

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, December 10, 2009 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF NOVEMBER 24, 2009 ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

- 1 08-083-992 Laurel Apts Parking Lot #2**
Public hearing to consider revocation or modification of parking lot site plan approved June 11, 2008, for failure to meet conditions of approval
2057 Laurel Ave
RT1
Tom Beach 651-266-9086

NEW BUSINESS

- 2 09-324-603 Pawn America Minnesota**
APPLICANT IS REQUESTING THE CASE BE LAID OVER TO DECEMBER 29, 2009
Conditional Use permit for a pawn shop
334 University Ave E, SE corner at Mississippi St
I1
Emily Goodman 651-266-6551
- 3 09-327-710 David Youmans**
Conditional Use Permit for transitional housing facility for six (6) or fewer residents
680 Thomas Ave, SW corner at St. Albans
R4
Sarah Zorn 651-266-6570
- 4 09-328-553 Ray Matter**
Establishment of legal nonconforming use status for excavating business
770 Brookline St, NE corner at Springside
R1
Sarah Zorn 651-266-6570

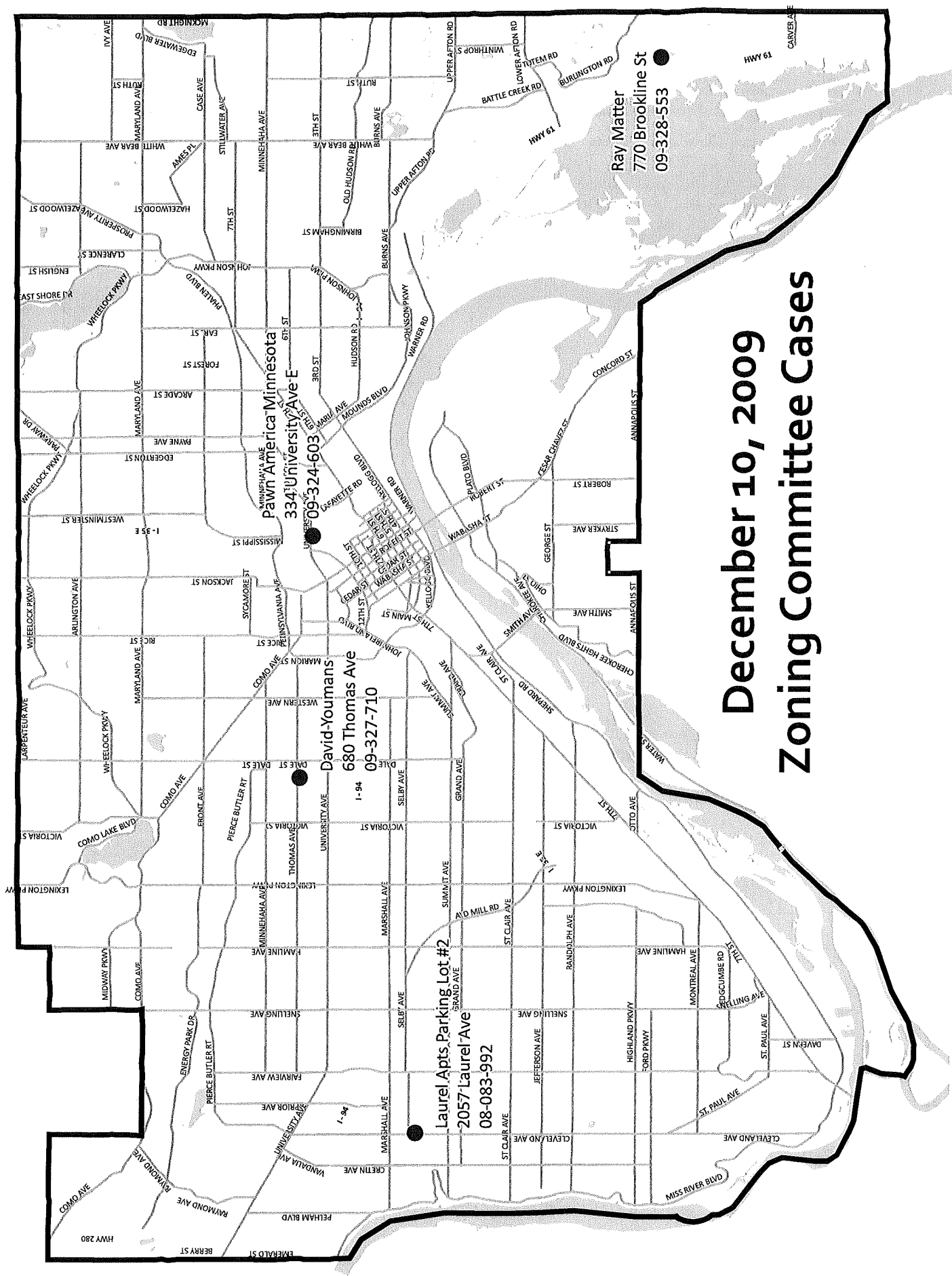
DISCUSSION

Minor Text Amendments for Chapters 60 and 61 of the Zoning Code
Citywide
Kate Reilly 651-266-6618

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have



Ray Matter
770 Brookline St
09-328-553

Pawn America Minnesota
334 University Ave E
09-324-603

David Youmans
680 Thomas Ave
09-327-710

Laurel Apts. Parking Lot #2
2057 Laurel Ave
08-083-992

December 10, 2009 Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

FILE # 08-083992

1. **PROPERTY OWNER:** David Brooks

HEARING DATE: 11/24/09

2. **TYPE OF APPLICATION:** Site plan review (Consider revocation of a previous site plan approval due to noncompliance with the conditions of that approval)

3. **LOCATION:** 2057 Laurel Avenue

4. **PIN & LEGAL DESCRIPTION:** 042823220080 and 042823220081
Merriam Park Second Addition Lots 8 and 9 Block 13

5. **PLANNING DISTRICT:** 13

PRESENT ZONING: RT1

6. **ZONING CODE REFERENCE:** 61.108

7. **STAFF REPORT DATE:** 11/12/09

BY: Tom Beach

A. **PURPOSE:** Consider revocation of the site plan for a parking lot as approved by the Planning Commission on September 4, 2009. The parking lot was not constructed as shown on the site plan that was approved by City staff and in compliance with new conditions added by the Planning Commission on September 4, 2009.

B. **PARCEL SIZE:** 15,000 square feet (100' x 150') The parking lot under consideration covers an area of approximately 3,000 square feet.

C. **EXISTING LAND USE:** 12-unit apartment building and restaurant

D. **SURROUNDING LAND USE:**

North: Single family and duplex residential (RT1)

East: Single family and duplex residential (RT1)

South: Single family and duplex residential (RT1)

West: St. Thomas University (R2)

E. **ZONING CODE CITATIONS:**

Section 61.108. Conditions violated, permit revocation.

The zoning administrator shall notify the planning commission when a development covered by a permit or other matter is not in compliance with any of the conditions imposed upon such use permit. The commission may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission to be unnecessary, unreasonable or impossible of compliance.

Section 63.313 Visual screening

For off-street parking facilities which adjoin or abut across an alley, a residential use or zoning district, a visual screen shall be provided and maintained as required in section 63.114, Visual screens.

Section 63.316 Paving

All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or

other durable, dustless surfacing or of material comparable to the adjacent street surfacing in accordance with other specifications of the zoning administrator. The parking area shall be paved within one (1) year of the date of the permit.

F. **PRIOR ZONING HISTORY:** The building on the site has 12 apartments and a restaurant. The restaurant is a nonconforming use. In 2005 the Planning Commission approved a Change in Nonconforming Use Permit to permit the restaurant to have beer as well as wine on the menu.

G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not heard from the District Council at the time the staff report was mailed out.

H. **FINDINGS:**

1. On May 30, 2008, David Brooks, the property owner, applied for site plan review for a new parking lot. The parking lot is intended for use by the residents of the apartment building on the property.
2. On June 11, 2008, DSI staff approved a site plan that shows the following:
 - The parking lot would be located next to the side of the building.
 - The parking lot would be paved with bituminous.
 - Stormwater would drain to the alley.
 - The parking lot would have 6 parking spaces.
 - A 6' privacy fence would be built on the east property line and along the south edge of the parking lot. The fence was located near the south edge of the parking lot to minimize the impact of the parking lot on the adjacent house by screening the lot and keeping the lawn south of the parking lot open to view.
 - A lilac hedge would be planted in front of the fence running along the south edge of the parking lot.
 - The area between the parking lot and the front of the property would not be affected.

(See attached approved site plan and approval letter.)

3. On September 4, 2008 DSI staff conducted a routine inspection of the parking lot to see if it was built in conformance with the approved site plan. Staff observed a number of areas where the parking lot was not built as shown on the approved site plan and sent a letter informing the property owner of the noncompliance. (See attached letter.) The areas of concern included:
 - The asphalt was paved with recycled asphalt. (Zoning requires "hot mix" asphalt for paving parking lots.)
 - The parking spaces were not striped. Spaces were identified by signs on the side of the apartment building.
 - There was no fence along the east property line and the south fence was built approximately 35' south of where it was shown on the site plan. (Zoning requires a visual screen between parking lots and adjacent residential property.)
 - No lilacs had been planted.
 - The work was done without City permits. Permits should have been obtained for the paving and the fence.
4. Staff talked to the property owner on September 22, 2008, April 28, 2009 and on June 11, 2009 about the fact that the lot was not built in conformance with the approved site plan.

During this period the following changes were made to the parking lot:

- A wood privacy fence was installed along the east property line. However the fence

was set back approximately 1' from the property line and an existing chain link fence on the property line was not removed. This did not conform to what was shown on the approved site plan and resulted in a strip of land between the fences that is difficult to maintain. In addition, the wood privacy fence was not extended all the way to the alley as shown on the approved site plan.

- Shrubs were planted in front of the south fence. In addition, shrubs were planted along the south edge of the parking lot in approximately the location shown on the approved site plan.
 - A picnic table and benches were built in the area south of the parking lot. These were not shown on the original site plan. However, small improvements like these do not require a City permit and generally do not require City approval.)
5. DSI staff inspected the site in August 2009 and found that the following areas of the parking lot were not in compliance with the approved site plan:
- The parking lot was paved with recycled asphalt and not "hot mix" asphalt.
 - The parking spaces were not striped. Spaces are identified by signs on the side of the apartment building.
 - The fence along the south edge of the parking lot was approximately 30' south of where it was shown on the site plan.
 - The fence along the east property line was set back approximately 1.5' from the property line and an existing chain link fence on the property line was left in place. This resulted in a strip of land between the fences that is difficult to maintain. In addition the fence did not extend all the way to the alley as shown on the approved site plan.
6. DSI brought the situation to the attention of the Planning Commission under the provisions of Section 61.108. A public hearing was held at the Zoning Committee on 8/27/09. On 9/4/09 the Planning Commission passed resolution 09-57 stating that the property owner had not built the parking lot in compliance with the approved site plan. However, rather than rescinding the site plan approval, the Planning Commission added conditions necessary to bring the parking lot into compliance. These conditions required the property owner to make the following changes to the parking lot no later than 10/2/09 with permits from the Department of Safety and Inspections.
- a. The entire parking lot shall be re-paved using bituminous material as shown on the approved site plan. "Hot mix" bituminous shall be used, as is the material commonly understood in the paving industry as "bituminous," in order to provide the "durable, dustless" paved surface required for parking lots in Sec. 63.316 of the Legislative Code.
 - b. The parking lot shall be striped to identify the six parking spaces. To prevent cars from parking in the drive lane, the parking lot must be marked "No Parking in Drive Lane" either by signing the pavement or by installing on the privacy fence at least 3 signs indicating the "no parking" area. The grade of the parking lot after the paving must be such that the lot continues to drain towards the alley and not onto adjacent properties.
 - c. A 6' high privacy fence must be constructed just to the south of the parking lot as shown on the approved site plan. The privacy fence may be located up to 66' south of the rear property line or approximately 8' south of the parking lot to provide room for snow storage. A row of shrubs shall be planted and maintained along the south side of the fence as shown on the approved site plan.

The fence that was built approximately 35' south of the parking lot may be removed or may stay in place or may be relocated to screen mechanical equipment on the east side of the apartment building.

- d, The privacy fence that was improperly located near the east property line can remain in its current location. However, the privacy fence must be extended north to the rear property line as shown on the submitted and approved site plan. In addition, the entire existing chain link fence on the east property line, including any fence posts and footings must be removed as shown on the submitted and approved site plan. Following removal of the chain link fence any stumps in the area between the privacy fence and the east property line must be removed and the area must be restored with new ground cover of either grass sod or grass seed planting. This ground cover shall thereafter be maintained as long as the parking lot is in existence.
7. DSI inspected the parking lot on October 13, 2009. The inspection showed that no changes had been made to the lot and that the property owner did not comply with the additional conditions imposed by the Planning Commission on September 4, 2009. The parking lot continues to be out of compliance with the original site plan approved on June 11, 2008.
- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends:
 1. The City's previous approval for the site plan for the parking lot at 2057 Laurel Avenue should be revoked
 2. The lot must be restored to the condition it was in before work on the parking lot began no later than 12/31/09.
 3. Vehicles must immediately cease from parking in the lot. A fence or similar barrier to keep cars from parking in the lot must be erected along the alley and maintained until the lot is restored to its previous condition.

ATTACHMENTS

- 1 Planning Commission resolution and Zoning Committee minutes.
- 8 As-built plan for the parking lot, approved site plan and correspondence
- 13 Photos and location map

city of saint paul
planning commission resolution
file number 09-57
date September 4, 2009

WHEREAS, David Brooks, File # 08 083992, submitted a site plan for review for a 6-car parking lot on property located at 2057 Laurel Ave on May 30, 2008, under the provisions of Sec. 61.400 of the Saint Paul Legislative Code; and

WHEREAS, the Zoning Administrator approved the site plan in a letter to Mr. Brooks dated June 11, 2008. This letter lists the main improvements shown on the approved site plan; including paving the lot with asphalt and installing a privacy fence to provide a visual screen. This letter also explains that a permit from the Saint Paul Department of Safety and Inspections is required "to grade and pave the parking lot and to construct the fence"; and

WHEREAS Mr. Brooks constructed the lot during the summer of 2008 but the City has no record showing that the required permits were obtained; and

WHEREAS, City staff inspected the lot in September 2008 and determined that it was not built in compliance with the approved site plan; and

WHEREAS, City staff contacted Mr. Brooks about this on a number of occasions: by letter to Mr. Brooks dated September 4, 2008, at a meeting at City offices on September 22, 2008, and on-site meetings on April 28, 2009, and June 11, 2009; and

WHEREAS, after the meeting on June 11, 2009 the parking lot was still not in compliance, City staff decided to bring the matter to the attention of the Planning Commission as specified in Sec. 61.108 of the Saint Paul Legislative Code which states "The zoning administrator shall notify the planning commission when a development covered by a permit or other matter is not in compliance with any of the conditions imposed upon such use permit. The commission may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission to be unnecessary, unreasonable or impossible of compliance."; and

WHEREAS, notice of a public hearing at the Zoning Committee of the Planning Commission was mailed to property owners within 350 feet of 2057 Laurel as required by Section 61.303 of the Saint Paul Legislative Code' and

moved by Morton
seconded by
in favor Unanimous
against

WHEREAS, the Zoning Committee of the Planning Commission, on August 27, 2009, held a public hearing at which all persons present were given an opportunity to be heard pursuant to the requirements of Sec. 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. On May 30, 2008, David Brooks, the property owner, submitted a site plan for review for a new parking lot.
2. During the review of the site plan, Mr. Brooks told staff that the parking lot was intended for use by the tenants of the apartment building at 2057 Laurel and not for use by staff or customers of the restaurant at 2057 Laurel.
3. On June 11, 2008, DSI staff approved the submitted site plan that was showed the following:
 - The parking lot would be located next to the side of the building.
 - The parking lot would be paved with "Bituminous".
 - Stormwater would drain to the alley.
 - The parking lot would be striped to provide 6 parking spaces.
 - A 6' privacy fence was shown on the approved site plan on the east property line to meet zoning requirements to provide a visual screen between the parking lot and the adjacent residential property. This fence was to extend from the rear property line to a point approximately 65 feet south of the rear property line. In addition a 6' high privacy fence was shown on the approved site plan running east to west from the south end of the privacy fence to be built on the east property line to the apartment building. This fence and its location was intended to minimize the visual impact and noise from the parking lot on the adjacent house while also keeping the lawn south of the parking lot open to view.
 - A lilac hedge would be planted in front of the fence running along the south edge of the parking lot.
 - The area between the east to west fence and the front of the property would not be affected.
4. On September 4, 2008 DSI staff conducted a routine inspection of the parking lot to see if it was built in conformance with the approved site plan. Staff observed a number of areas where the parking lot was not built as shown on the approved site plan and sent a letter informing the property owner of the noncompliance. The areas of concern included:
 - The parking lot was paved with recycled asphalt. Recycled asphalt is not an approved paving material under Sec. 62.316 which requires that "All parking spaces, driveways and off-street parking facilities shall be paved with asphalt or other durable, dustless surfacing or of material comparable to the adjacent street surfacing in accordance with other specifications of the zoning administrator." Where asphalt is used to pave parking lots, the City requires a "hot mix bituminous." The City does not accept recycled asphalt because it breaks up after a year or two. Therefore, it is not a durable material. Recycled asphalt is also not consistent with the submitted site plan that specified "Bituminous."

- The parking spaces were not striped as shown on the submitted and approved site plan although the individual spaces were identified by signs that were attached to the side of the apartment building.
 - The privacy fence required by the Zoning Code and shown on the east property line in the submitted and approved site plan had not been built.
 - The east to west privacy fence shown on the approved site plan had actually been built approximately 35' south of where it was shown on the approved site plan.
 - The lilacs shown on the approved site plan had not been planted.
 - The work was done without City permits. Permits were required for the paving and the fence.
5. City staff talked to Mr. Brooks about the areas of noncompliance at a meeting at City offices on September 22, 2008, and meetings on the site on April 28, 2009, and June 11, 2009.

During this period the following construction activity occurred at the parking lot:

- A privacy fence was installed along the east property line. However, the fence was not built on the property line as shown on the submitted and approved site plan. Instead, the new privacy fence was constructed approximately 1.5' back from the property line. An existing chain link fence on the property line, which should have been removed had construction of the privacy fence complied with the approved site plan, was not removed. During these discussions, it was not clear who owned this chain link fence. However, at the August 27, 2009 public hearing Mr. Brooks stated that the chain link fence was on his property. Finally, the newly constructed privacy fence stopped approximately 25' south of the rear property line instead of extending all the way to the rear property line as was shown on the submitted and approved site plan.
 - Shrubs were planted in front of the south fence as well along the south edge of the parking lot.
 - There was also a discussion about a picnic table and bench were built in the area south of the parking lot. These were not shown on the original site plan. However, small improvements like this do not require a City permit and generally do not require City approval. Therefore, the table and bench are not considered to be out of compliance with the approved site plan.
6. The following areas of the parking lot were not in compliance with the approved site plan on August 14, 2009 when DSI staff inspected the site and took photographs for the public hearing:
- The parking lot is paved with recycled asphalt and not "hot mix".
 - The parking spaces are not striped. Spaces are identified by signs on the side of the apartment building.
 - The fence along the south edge of the parking lot is approximately 35' south of where it was shown on the site plan.
 - The fence along the east property line is set back approximately 1.5' from the property line and an existing chain link fence on the property line was left in place. This resulted in a strip of land between the fences that is difficult to maintain.
7. Cars are sometimes parked in the drive lane on east half of the lot.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of Legislative Code Sec. 61.108 and based upon the evidence, testimony, records and report of staff submitted during the public hearing, demonstrate that the parking lot constructed at 2057 Laurel Avenue does not comply with the site plan approved in File # 08-083992 on June 11, 2008 and, that the property owner, must therefore take the following actions to bring the said parking lot into compliance with the approved site plan to the extent that the said site plan is hereby modified by the following conditions:

1. The entire parking lot shall be re-paved using bituminous material as shown on the approved site plan. "Hot mix" bituminous shall be used, as is the material commonly understood in the paving industry as "bituminous," in order to provide the "durable, dustless" paved surface required for parking lots in Sec. 63.316 of the Legislative Code.
2. The parking lot shall be striped to identify the required six parking spaces. To prevent cars from parking in the drive lane, the parking lot must be marked "No Parking in Drive Lane" either by signing the pavement or by installing on the privacy fence at least 3 signs indicating the "no parking" area. The grade of the parking lot after the paving must be such that the lot continues to drain towards the alley and not onto adjacent properties.
3. A 6' high privacy fence must be constructed just to the south of the parking lot as shown on the approved site plan. The privacy fence may be located up to 66' south of the rear property line or approximately 8' south of the parking lot to provide room for snow storage. A row of shrubs shall be planted and maintained along the south side of the fence as shown on the approved site plan.

The fence that was built approximately 35' south of the parking lot may be removed or may stay in place or may be relocated to screen mechanical equipment on the east side of the apartment building.

4. The privacy fence that was improperly located near the east property line can remain in its current location. However, the privacy fence must be extended north to the rear property line as shown on the submitted and approved site plan. In addition, the entire existing chain link fence on the east property line, including any fence posts and footings must be removed as shown on the submitted and approved site plan. Following removal of the chain link fence any stumps in the area between the privacy fence and the east property line must be removed and the area must be restored with new ground cover of either grass sod or grass seed planting. This ground cover shall thereafter be maintained as long as the parking lot is in existence.
5. Permits from the Department of Safety and Inspections must be obtained for the paving and fence work before work starts.
6. All Work on the fence, paving and restorative landscaping must be completed no later than October 2, 2009.

MINUTES OF THE ZONING COMMITTEE
Thursday, August 27, 2009 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Alton, Donnelly-Cohen, Faricy, Gordon, Johnson, Kramer, and Morton

ABSENT: Margulies

STAFF: Tom Beach, Samantha Langer, Patricia James and Peter Warner

The meeting was chaired by Commissioner Morton.

Laurel Apts Parking Lot #2 - 08-083-992 - Public hearing to consider revocation or modification of parking lot site plan approved June 11, 2008, for failure to meet conditions of approval, 2057 Laurel Ave.

Tom Beach presented the staff report with a recommendation that the property owner make the changes necessary to bring the parking lot at 2057 Laurel Avenue into compliance with the approved site plan. Tom Beach also stated District 13 had not responded, and there were 0 letters in support, and 0 letters in opposition.

At the inquiry of the Commissioners, Mr. Beach, confirmed that staff is asking that the chain link fence be removed, but the wood fence can remain where it is located.

At the questions of the Commissioners, Mr. Beach, stated that there were some changes done since the City last contacted the applicant. The changes included a fence on the east property line that was built in the wrong place and additional landscaping. Mr. Beach stated that he would like compliance by October 2, 2009.

David Brooks, the applicant, stated that the City Staff approved the fence where it was located and the material used to pave the parking lot; stating that the material was durable and dustless and that the area was small enough to allow this material to be used. Mr. Brooks submitted photos of the property. He stated that he did not follow the original plan, but he believes this plan suits the neighborhood better because it conceals building equipment. He stated that the contractor did not take out a permit when he started the building. Mr. Brooks also stated he believes his neighbor has animosity toward him.

Upon questions of the Commissioners, Mr. Brooks, stated he could comply with the original site plan, but he stated that the City Staff said the changes he made were agreed upon. He stated that he does not have it in writing that the recycled asphalt and the act of moving the fence from the original site plan was approved by the City Staff. Mr. Brooks also stated that he cannot stripe the asphalt used and it is his belief that he has complied with the requirement of the approved site plan. He also reiterated that he believed he had the approval to move the privacy fence from the original site plan. Mr. Brooks stated he would like an exception to leave both the wood and chain link fence in place. He also stated that the adjoining property owner had not contacted him directly regarding his concerns with the chain link fence.

No one spoke in support.

Nick Buettner, 291 W 7th Street, Unit 1704, Saint Paul, spoke in opposition. He stated that he has no animosity towards Mr. Brooks. He stated his concerns are that Mr. Brooks did not follow the original site plan. Mr. Buettner explained he would like the current fence, that is parallel with the street, moved back because the cars headlights in the parking lot shine into the windows of his property. He also added that he believes it would help with the noise.

Peter Warner, the City Attorney, advised Mr. Buettner to show exactly which fence he was concerned with on a map. Mr. Warner also stated that the map that was referred to was the original site plan, stamped for approval by the City.

At the inquiry of the Commissioners, Mr. Buettner, reiterated that he objects with the location of the fence due to the noise and the headlights shining into his windows. He further explained he would like the chain link fence removed so the area between the chain link fence and wood fence can be maintained. Mr. Buettner also stated the fence does not continue all the way to the alley as the site plan states it should. He stated because it is not completed, as the site plan shows, he has issues with drainage into his garage during months where snow removal is required. Mr. Buettner also stated he would like the parking spaces to be striped.

Tom Beach confirmed that in the original site plan the fence was supposed to go all the way back to the alley.

Cherly Beaumier, 2052 Selby Avenue, spoke in opposition. Ms. Beaumier explained her concerns regarding the parking lot including the noise, making sure the parking spots are marked correctly so more than six cars are not in the lot, and car headlights shining into their house. Ms. Beaumier also mentioned she would like to see asphalt used for the lot. She also stated she feels this decreases their property value. She further explained that the property is not maintained during the winter and she would like to see the fence removed and hedges added. She submitted photographs for the record.

Steve Wolfe, 2052 Selby Avenue, spoke in opposition. Mr. Wolfe stated the parking lot does have a huge impact on their property. He reiterated that more than six cars have been in the lot at one time and that the property was not maintained in the winter.

At the inquiry of the Commissioners, Tom Beach stated that to his knowledge no one from the restaurant parks in this lot. He also stated that there are signs posted limiting who can use the parking spaces.

Tom Malowe, 2077 Ashland Avenue, spoke in opposition. Mr. Malowe stated his concerns with the picnic area on the south side of the fence. He also stated that more than six cars have been parked in the lot at any given time. Mr. Malowe also has concerns with the garbage cans in the alley.

David Brooks stated that the garbage cans in the alley were needed during remodeling the property. He also stated that the additional vehicles in the lot belonged to people remodeling the building. Mr. Brooks stated that he does have a company hired for snow removal. He further explained that has not received any complaints regarding noise and if neighbors do have

complaints they should contact the police. He also stated no one at the 128 Café parks in this parking lot because they have valet parking which they rent from Saint Thomas. He also stated that he built up the parking lot eight inches and he believes it is sloped right so that there is no run-off into the neighbor's yard.

The public hearing was closed.

Upon the inquiry of the Commissioners, Mr. Beach confirmed that he verbally approved the paving material used in the parking lot due to the small size and the movement of the fence to the south if some other issues were corrected, particularly the fence on the east property line, which seemed to cause the most concerns. This issue was not addressed by the applicant.

Upon further inquiry of the Commissioners, Mr. Beach confirmed that the approved site plan was submitted by the property owner's architect. He also stated that the fence was built without a permit and there has not been a permit application. Mr. Beach stated that he recommended six feet high for the fence.

After discussion Commissioner Brian Alton moved approval with conditions to conform to the original site plan by October 2, 2009 and obtain all necessary permits. Commissioner George Johnson seconded the motion.

The motion passed failed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Samantha Langer
Recording Secretary

Submitted by:

Tom Beach
Tom Beach
Zoning Section
signed by
Samantha
Langer

Approved by:

Gladys Morton
Gladys Morton
Chair



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

COMMERCE BUILDING
8 Fourth Street East, Suite 200
St Paul, Minnesota 55101-1024

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

September 4, 2008

David Brooks
366 Jackson Street
St Paul MN 55101

RE: Site Plan (File #08-083992) -- follow-up inspection
Parking lot for Laurel Apartments at 2057 Laurel Ave

Dear Mr. Brooks:

On June 11, 2008, the City of Saint Paul approved the site plan for the construction of a new parking lot located at 2057 Laurel Avenue. A condition of the approval of the site plan is that:

- A 6' high screening fence is erected along the east and south sides of the parking lot.
- Lilacs are planted along the south side of 6' high screening fence.
- The parking lot is paved with asphalt.
- The parking lot is graded so that storm water is directed to the alley.
- The dumpsters will be placed on the property and screened.

On September 4, 2008, I did a follow-up inspection for compliance with the approved site plan. I noticed the following:

- The 6' high screening fence along the south side of the parking lot was built 36' south of the parking lot built. This fence was built without a permit. On the approved site plan, this fence is located next to the parking lot where it provides better screening from the house next door. The fence must be moved to where it is shown on the approved site plan.
- Lilacs must be planted in front of this fence as shown on the approved site plan.
- The 6' high screening fence along the east side of the parking lot that was shown on the approved site plan has not been erected. This fence is required by zoning regulations to screen the lot.
- The parking lot is paved with gravel. It must be paved with asphalt.
- The parking lot appears to be elevated above the neighboring property. It is not clear why this was done.
- The dumpsters are in the alley and not on the property.
- The dumpsters are not screened. Zoning requires that dumpsters be screened.
- The area where the dumpsters are shown on the site plan is not level. It does not look like dumpsters can be put here. If they are intended to go someplace else, this needs to be discussed.

Due to these discrepancies, the conditions / requirements of the site plan are not being met. You must correct these issues immediately.

If you have any questions regarding this site plan, please contact me at 651-266-9085 (phone) or corinne.tilley@ci.stpaul.mn.us (email).

Regards,

Corinne Tilley TB

Corinne A. Tilley
DSI Zoning and Site Plan Review



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

COMMERCE BUILDING
8 Fourth Street East, Suite 200
St Paul, Minnesota 55101-1024

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

June 11, 2008

David Brooks
366 Jackson Street
St Paul Mn 55101

RE: Approval of Site Plan 08-083992
Parking Lot for Laurel Apartments at 2057 Laurel Ave

Dear Mr. Brooks:

The site plan referenced above is approved subject to the following conditions:

1. **Site improvements** The proposed parking lot is shown with 6 parking spaces and room for trash dumpsters and recycling. A 6' high screening fence is shown long the east and south sides. Lilacs are shown on the south side for additional screening. The lot will be paved with asphalt and graded so that storm water is directed to the alley. No new sewers are proposed.

No lighting is shown on the plan. If lighting is proposed for the lot, it must be shielded and aimed so that it does not produce glare or excessive light levels for the neighboring property.

2. **Permits and fee** A permit from this department (651-266-9007) is required to grade and pave the parking lot and to construct the fence. The contractor can apply for this permit.

A parkland dedication fee is not required for this project. (Even though new spaces are being added, no new units are being added.)

4. **Time limit and inspection** Work covered by this site plan must be completed no later than 6/11/09. A site inspection will be scheduled based on this date.

If you have any questions, you can reach me at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Beach".

Tom Beach
Zoning Specialist

cc: Sewer Division, Planning Division, Traffic Division

4, 13

TB



APPLICATION FOR SITE PLAN REVIEW

Department of Safety and Inspections (DSI)
200 Commerce Building
8 Fourth Street East
Saint Paul MN 55101-1024
651-266-9008

STAFF USE ONLY
SPR # 08-03399
Fee \$ 438
Staff meeting date 6/16/08
City agent [Signature]

APPLICANT

Name DAVE BROOKS Company _____
Address 306 JACKSON ST
City ST PAUL State MN Zip 55101
Phone 651-270-3178 Fax 651-298-1948
Email shana@brooksgroup.net

OWNER (If different than applicant)

Name _____ Company _____
Address _____ Phone _____

PROJECT

Project name / description LAUREL APT PARKING
Project address / Location ~~128 CLEVELAND~~
2057 Laurel Cat Cleveland
Legal description of the property : Lot 9 ex w 10' Blk 13 Morris Pk 2nd Addn

Applicant's signature _____ Date _____

STAFF USE ONLY
Type Site Plan
Folder Name Laurel APT Parking Lot
Reviewed by _____
Comments _____
Bond letter of credit/escrow \$ _____ Date _____
Site plan approved by TB Date 6/16/08
Work approved by _____ Date _____

ARCHITECTURAL NOTES:

- A: ALLEY
- B: DUMPSTERS
- C: 6' 9"x18' 90" PARKING
- D: FENCE & PROP. LINE 6' high
- E: FENCE REINFORCED
- F: GRASS

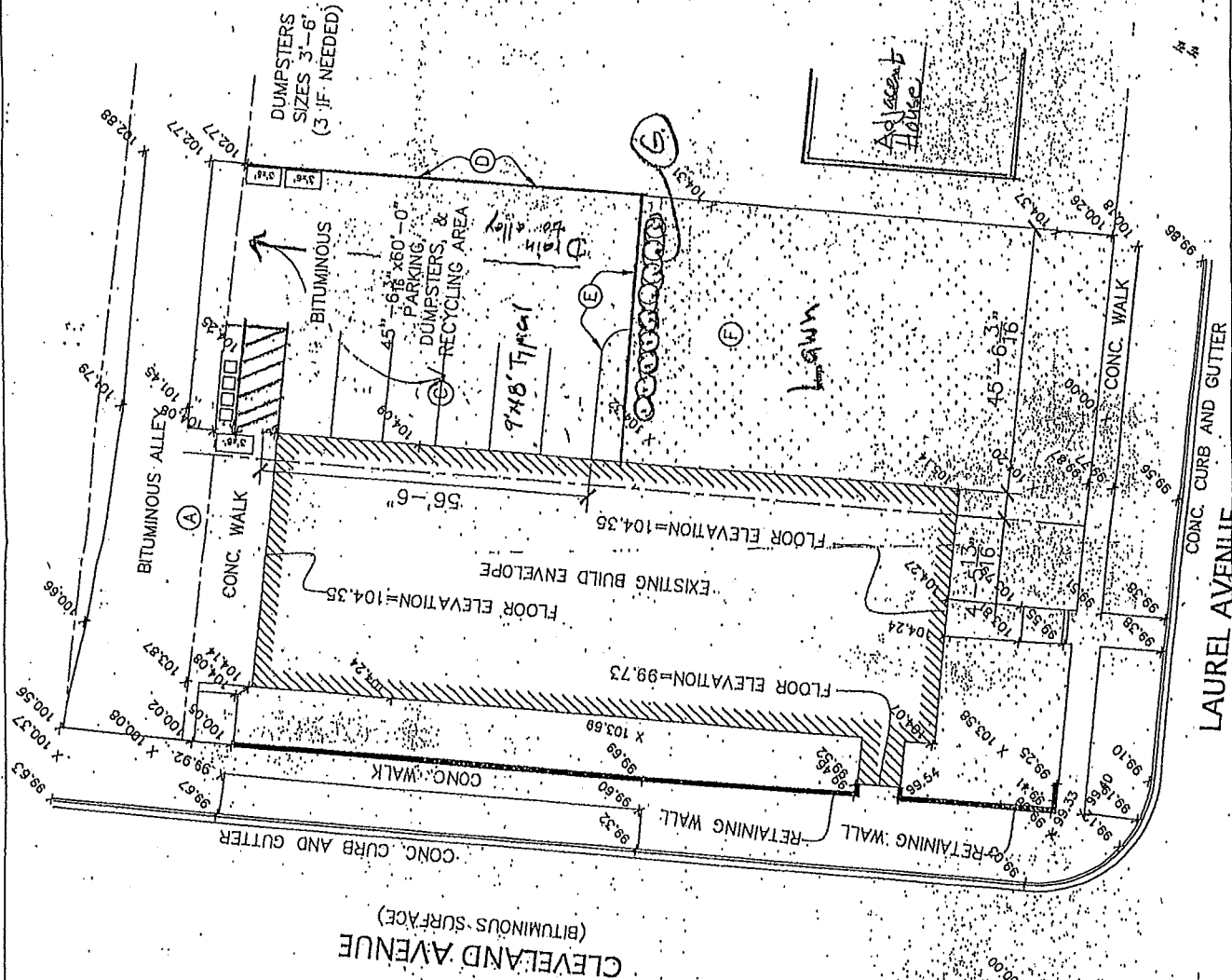
6.9' Lin 4' 0" C. Min 18" tall
LOT SIZE 50'x150'

5/29/08

SITE PLAN APPROVED
OFFICE OF LEP
CITY OF ST. PAUL

By TR
File # 08-083172 Date 6/1/08
Any alterations from this plan must be approved by the Zoning Administrator

1 SITE PLAN
A-1 SCALE: 1" = 20'-0"

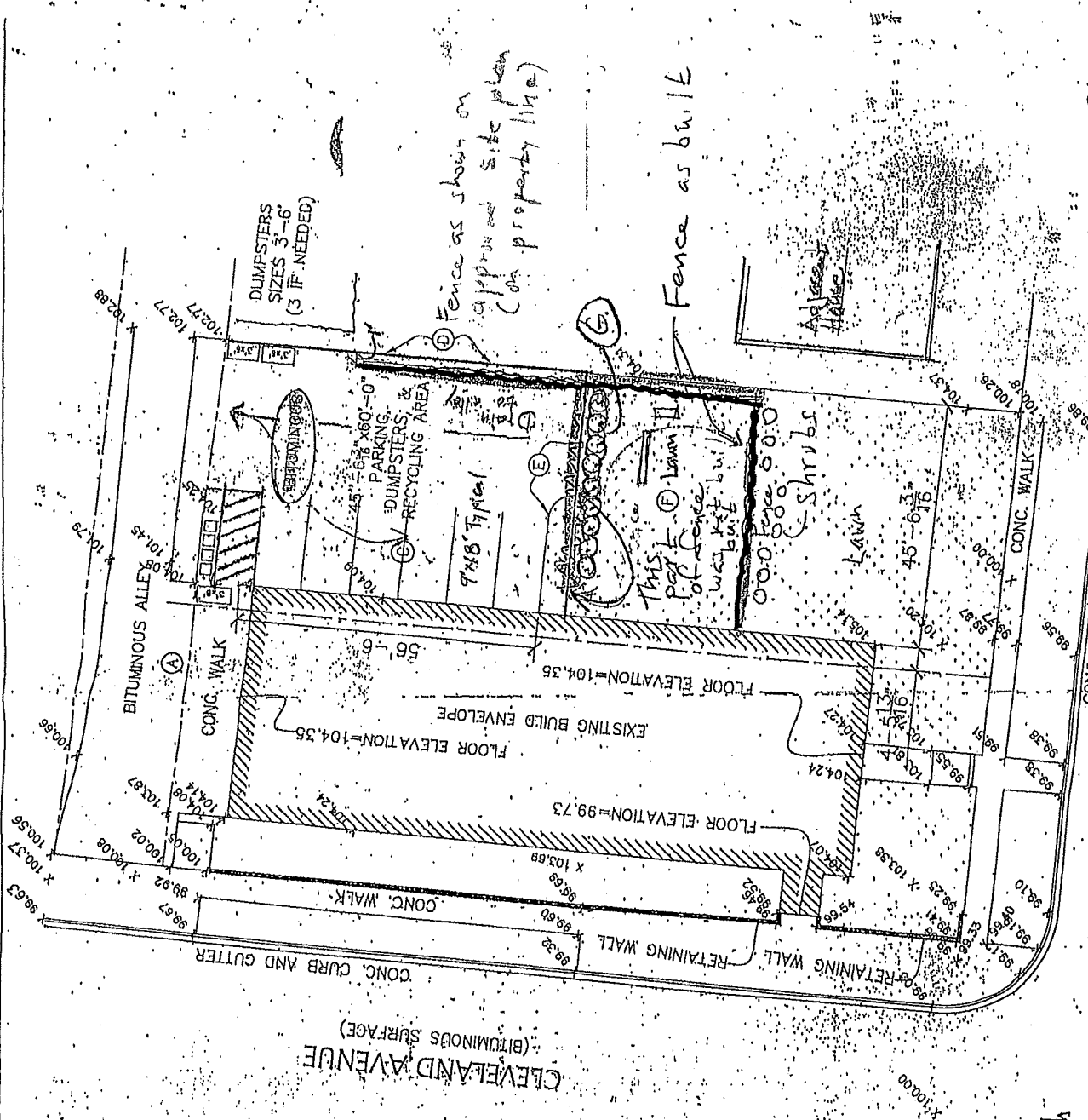


ARCHITECTURAL NOTES:

A. ALLEY
B. DUMPSTERS
C. 6' x 18" SLO.
D. FENCE & PROP. LINE
E. FENCE REINFORCED
F. GRASS
G. ~~11' x 18" SLO.~~ 4" D.C. MAX 18" TALL
LOT SIZE: 50' x 150'

LOT SIZE: 50'x150'
 9' LIBRARY 4' O.C. - HALL 18' BAY

5/27/03



Parking lot as built

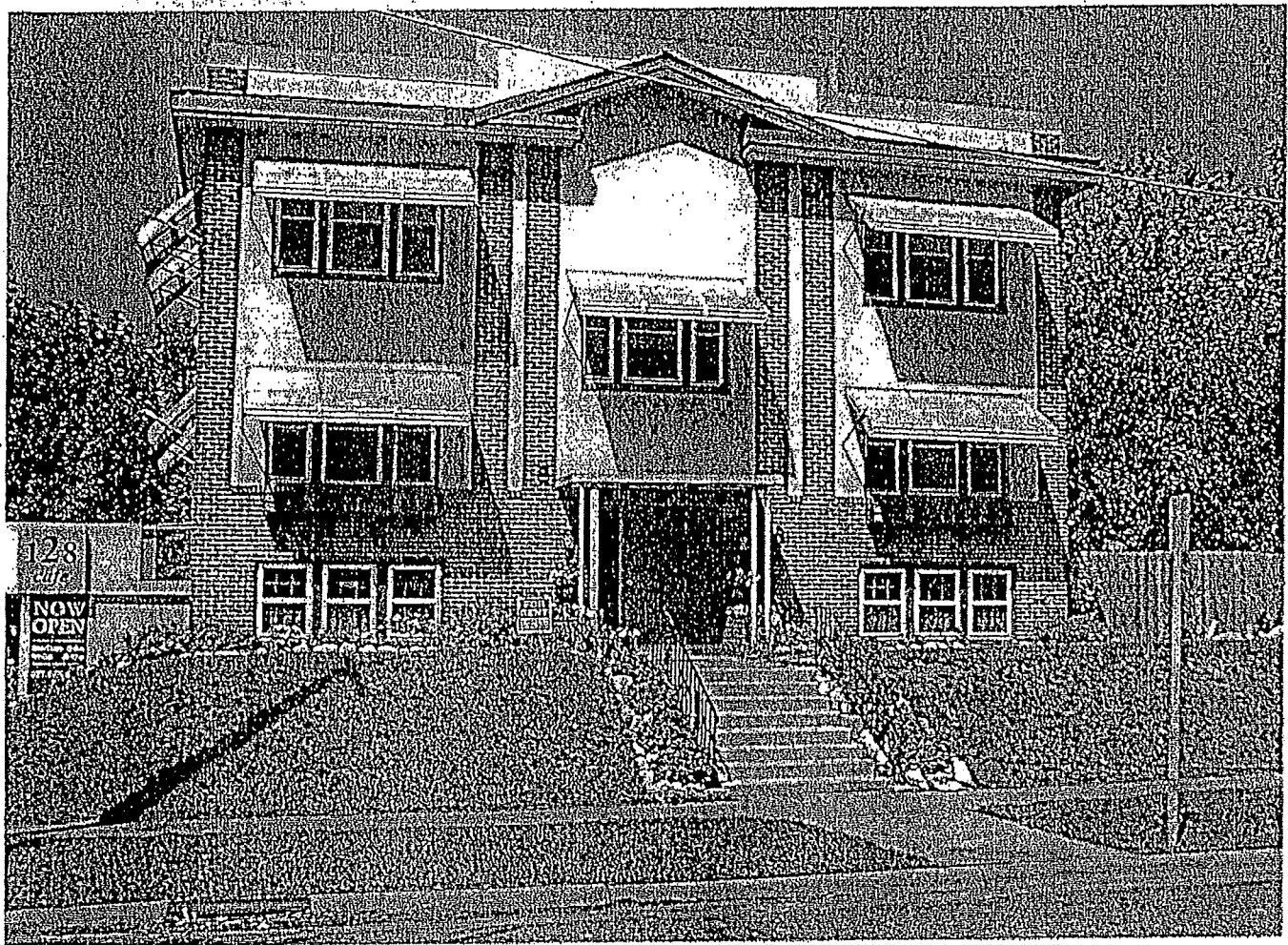
- Lot is paved with recycled asphalt
- Fence is not where it was shown on approved site plan (closer to sidewalk $\pm 1.5'$ off east property line)

Parking lot viewed from alley



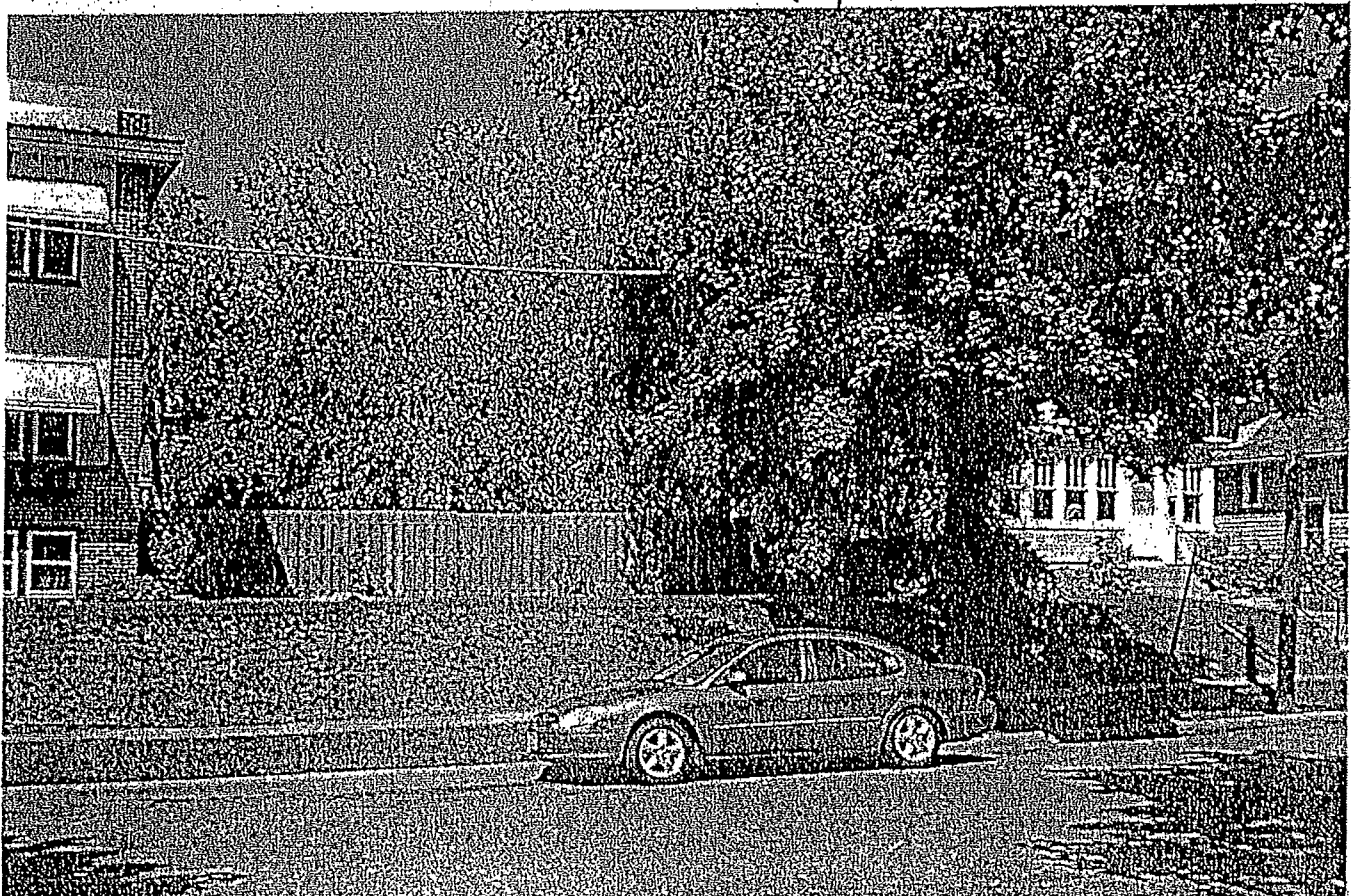
Recycled asphalt paving ↓

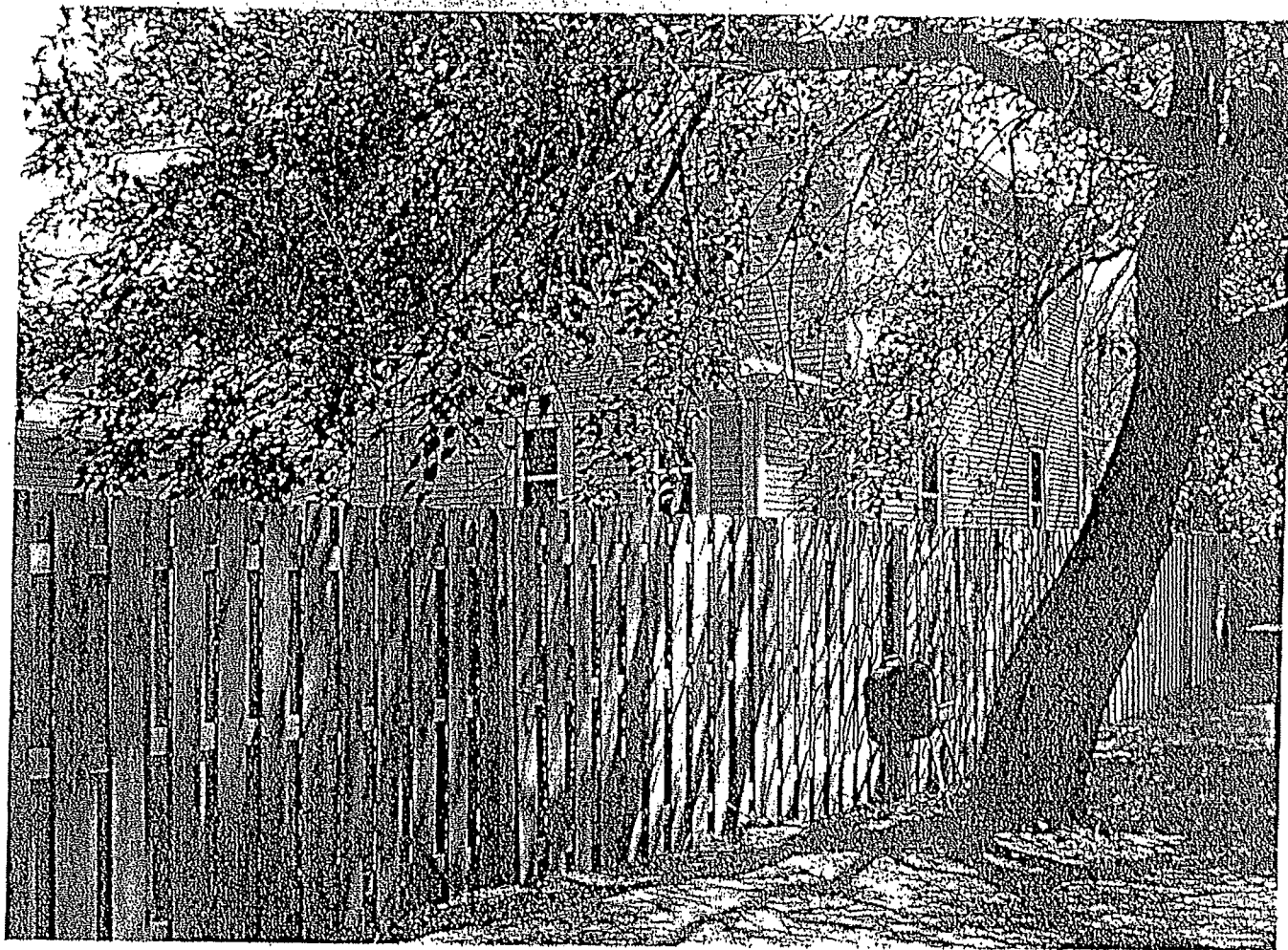




2057 Laurel

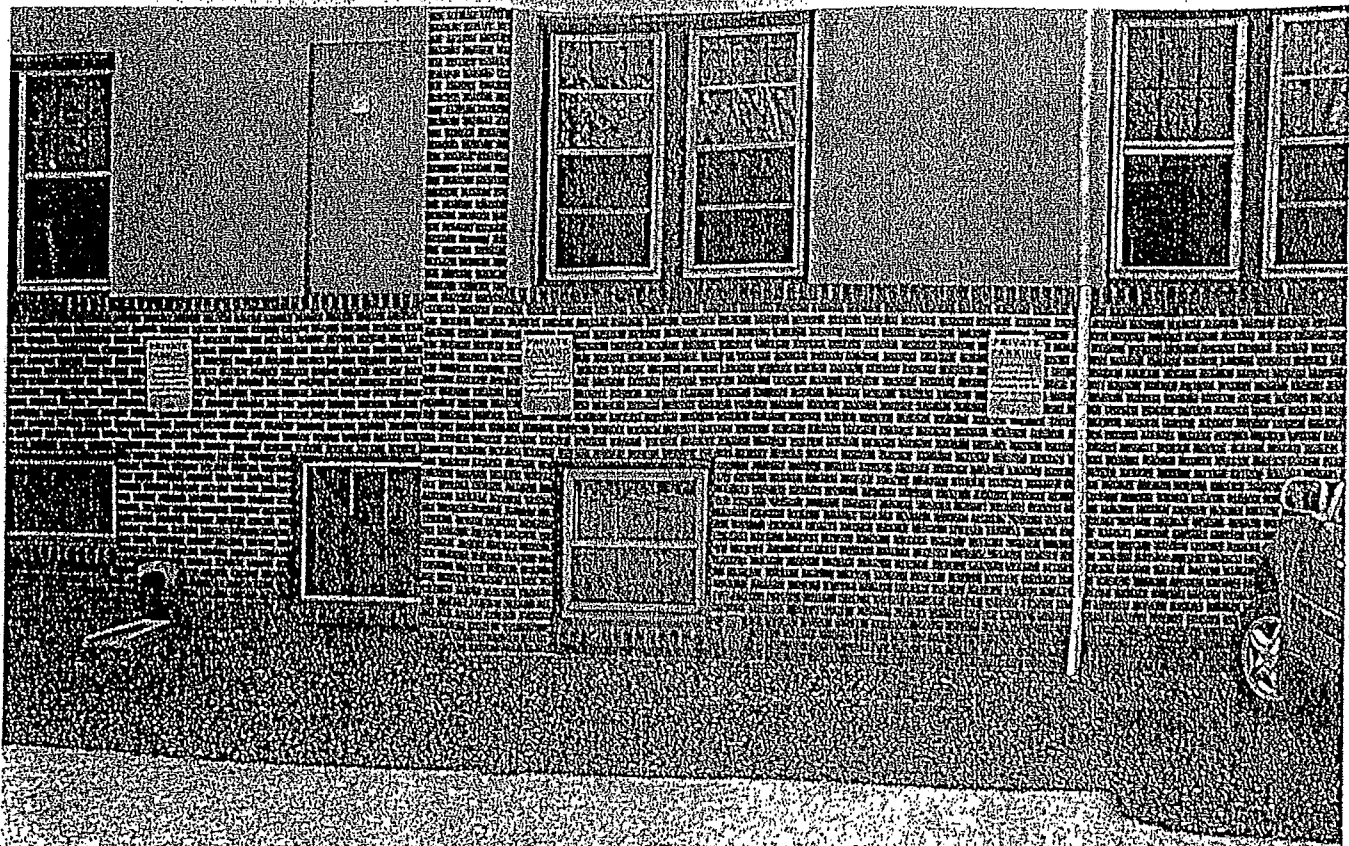
2057 Laurel, (Pkgs lot behind fence)





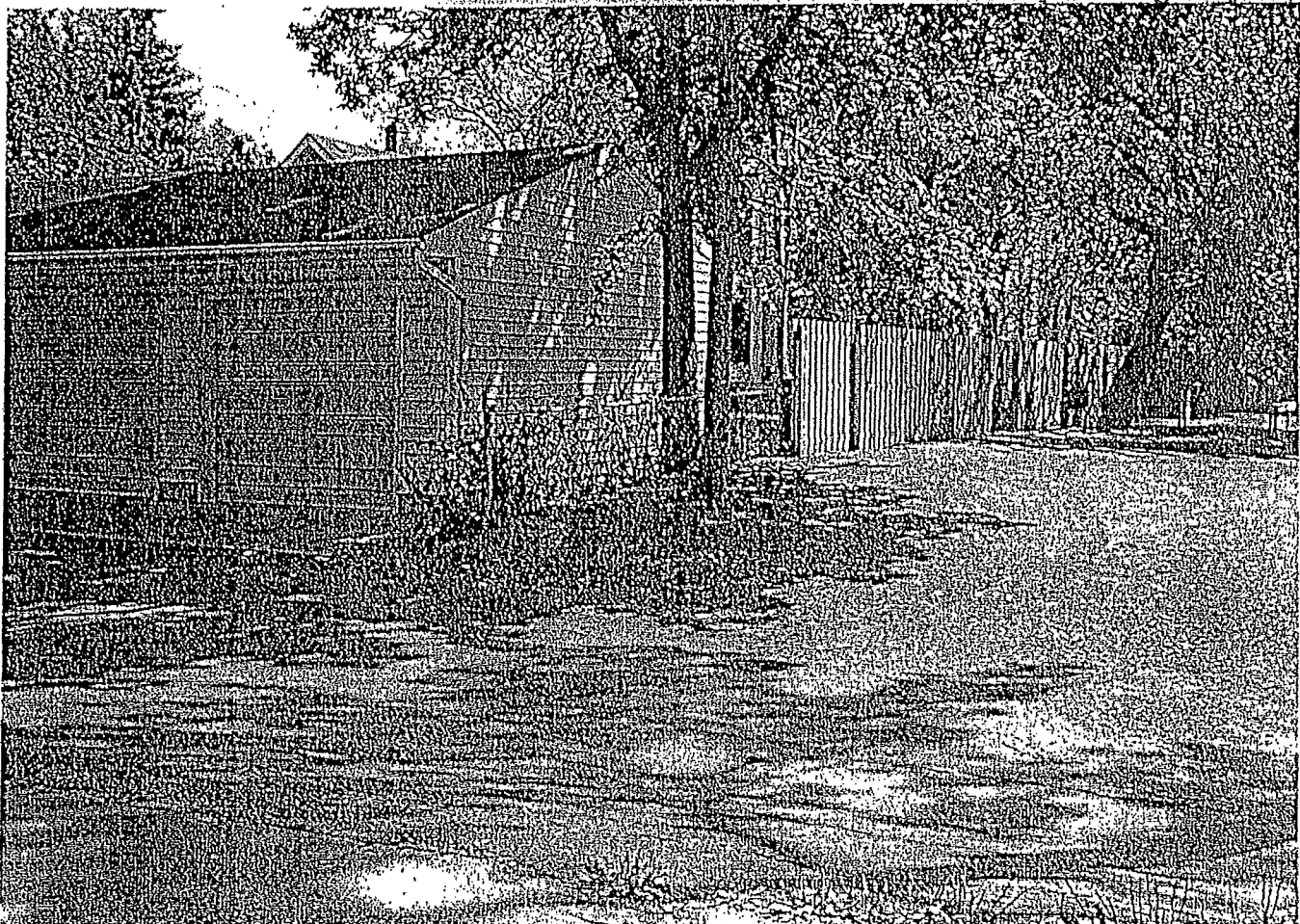
New fence ↑





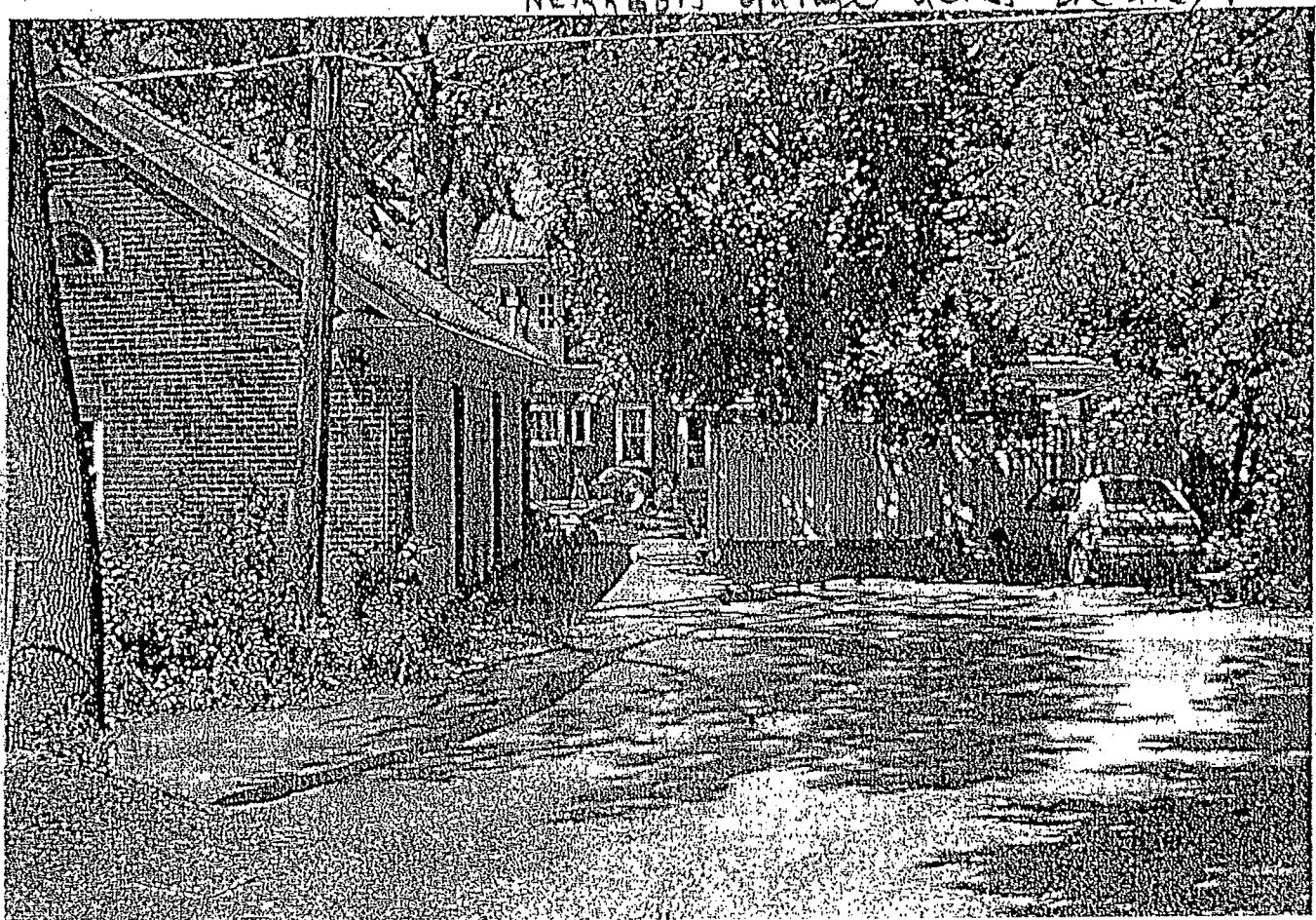
↑ Parking spaces

Parking lot, fence and neighbors garage ↓





↑ New fence and old fence on property line
Neighbor's garage across the alley ↓



09-324-603 Pawn America Minnesota
Conditional Use Permit for pawn shop
334 University Avenue E, SE corner at Mississippi St
II
Emily Goodman 651-266-6551

Applicant is requesting the case be laid over to December 29, 2009.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** David Youmans **FILE #** 09-327-710
 2. **APPLICANT:** David Youmans **HEARING DATE:** December 10, 2009
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 680 Thomas Ave, SW corner at St. Albans
 5. **PIN & LEGAL DESCRIPTION:** 352923140029, CHUTE BROTHERS DIVISION NO. 6 ADDITION TO THE CITY OF ST. PAUL, MINN. LOT 1
 6. **PLANNING DISTRICT:** 7 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** § 65.159; §61.501
 8. **STAFF REPORT DATE:** December 1, 2009 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** November 13, 2009 **60-DAY DEADLINE FOR ACTION:** January 12, 2010
-

- A. **PURPOSE:** Conditional Use Permit for transitional housing facility for six (6) or fewer residents
- B. **PARCEL SIZE:** 40 ft. (Thomas) x 125 ft. (St. Albans) = 5,000 sq. ft. Including one half the alley results in a total lot area for density purposes of 5,600 sq. ft.
- C. **EXISTING LAND USE:** R-Single Family Dwelling
- D. **SURROUNDING LAND USE:**
 - North: Single family residential (R4)
 - East: Single family residential (R4)
 - South: Single family residential (R4)
 - West: Single family residential (R4)
- E. **ZONING CODE CITATION:** §65.159 list the standards and conditions for a transitional housing facility; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** In September of 2004 the property was listed as a vacant building and appeared to be a duplex at the time. According to DSI records the property has been used as a single family home at least since 2007. In June of 2008 the property was again listed as a vacant building.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 Council has recommended approval of the conditional use permit.
- H. **FINDINGS:**
 1. The applicant is proposing to convert an existing single family home into a transitional housing facility for six (6) residents between the ages of sixteen (16) and twenty-one (21) and up to one (1) minor child in their care. Residents will receive life skills training at an off-site location and will stay at the facility for a period of up to eighteen (18) months.
 2. §65.159 lists the following standards and conditions for transitional housing facilities serving more than four adult facility residents and minor children in their care:
 - (a) *In residential, TN1--TN3 traditional neighborhood and OS--B2 business districts, a conditional use permit is required for facilities serving more than four (4) adult facility residents and minor children in their care. The required conditional use permit is the subject of this application. If it is approved, this condition will be met.*
 - (b) *In RL--RT2 residential districts, the facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other transitional housing facility with more than four (4) adult facility residents, licensed community residential facility, emergency housing facility, shelter for battered persons with more than four (4) adult facility residents, or overnight shelter. This condition is met. The proposed facility is greater than 1,320 feet from the nearest community residential facility.*
 - (c) *Except in B4--B5 business districts, the facility shall not be located in a planning district in which one (1) percent or more of the population lives in licensed community residential facilities, emergency housing facilities, shelters for battered persons with more than four*

(4) adult facility residents, overnight shelters, and/or transitional housing facilities with more than four (4) adult facility residents. This condition is met. According to records in the Department of Planning and Economic Development, using 2000 Census population data, there is a balance of 90 residents that can be accommodated in Planning District 7. The applicant is proposing to house 6 residents.

- (d) In RL--RT1 residential districts, the facility shall serve six (6) or fewer adult facility residents and minor children in their care. In RT2 residential, TN1--TN3 traditional neighborhood, OS--B3 business and IR--I2 industrial districts, the facility shall serve sixteen (16) or fewer adult facility residents and minor children in their care.* This condition is met. The proposed facility is located in an R4 district and will serve six (6) adults and minor children in their care.
- (e) In RL--RT2 residential districts, the facility shall not be located in a two-family or multifamily dwelling unless it occupies the entire structure.* This condition is met. The proposed facility will occupy the entire structure.
- (f) In residential districts, facilities serving seventeen (17) or more facility residents shall have a minimum lot area of five thousand (5,000) square feet plus one thousand (1,000) square feet for each guest room in excess of two (2) guest rooms.* This condition does not apply to this application. The proposed facility will only serve 6 residents.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Housing chapter of the Comprehensive Plan includes policies that support linking services with affordable housing (policy 6.7) The proposed transitional housing facility would further these goals.
- (2) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The property has access to both Thomas Avenue and St. Albans Street providing adequate ingress and egress.
- (3) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. A staff member will be on site from approximately 9 a.m. to 5 p.m. When staff is not present, one adult resident will supervise the facility. In addition, the transitional housing facility will obtain all necessary licenses and certificates to protect the public health, safety and general welfare.
- (4) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will not substantially change the character of the surrounding neighborhood, and development should be able to proceed in a normal and ordinary manner.
- (5) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed use will conform to all applicable regulations in the R4 district.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a transitional housing facility for six (6) or fewer residents between the ages of 16 and 21, and up to one minor child in their care subject to the condition that if Freeport West ceases to be the service management entity, the applicant shall notify the Planning Administrator so that it can be determined whether a new conditional use permit is required.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only	
File #	09-327710
Fee	750.00
Tentative Hearing Date	12-10-09

PD=7

#352923140029

APPLICANT

Name	David Youmans		
Address	883 St. Anthony Ave		
City	St. Paul	St. MN	Zip 55104 Daytime Phone 651-775-1766
Name of Owner (if different)	Global Construction & Investment Co. Inc		
Contact Person (if different)	Lori Athias	Phone	612-366-1381

PROPERTY LOCATION

Address / Location	680 Thomas Ave.		
Legal Description	Lot 1, Chute Brothers Division, No. 6		
	Current Zoning	R4	
(attach additional sheet if necessary)			

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter _____, Section 65.159, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See attached

☒ Required site plan is attached

Applicant's Signature [Signature] Date 11-13-2009 City Agent [Signature]

ck
10593
750.00

11-13-09



Transitional House/Apartments with Global Construction

Description of Partnership:

Global Realty Global Realty, Inc., and Global Construction & Investment Co., Inc. is a residential real estate brokerage and construction company specializing in helping clients purchase and sell residential real estate.

1. A single detached or multi family dwelling(s) (transitional house/single resident occupancy) designated for Freeport West participants
2. On-site/overnight security to monitor the house
3. An office space for Freeport West staff within the house
4. Appliances (stove, refrigerator, washer/dryer) & furniture
5. Individual leases for tenants/participants with mutual termination agreements to avoid evictions.
6. Utilities included in the rent
7. Maintenance support

Freeport West has been providing programs and services to support homeless and at-risk youth and families in crisis for nearly 40 years. Freeport provides services for youth and families most likely to experience poverty, oppression, institutionalization and violence. Offering a wide range of hands on assistance through a variety of programs, as well as collaboration for access to additional services, Freeport focuses its efforts on attaining positive outcomes for youth and families, and strengthening community supports which will sustain their efforts.

1. On-going case management services for participants on-site
2. Life skills training and development on-site
3. Rental Subsidies for participants
4. Freeport West will not sign or co-sign, but will provide potential tenants upon turnover.
5. Freeport West will partner with Global Const. and serve as a successful liaison and will intervene/mediate concerns regarding tenants.
6. Freeport West will provide house monitoring visits and supervision of participants/tenants.

Freeport West Services and Assistance:

- **Services-** case management, and other support services such as life skills training, education, employment, resources & referral information, etc..
- **Assistance-** direct cash assistance including rental assistance, security deposits, utility assistance, transportation assistance, etc...

Target Populations/Projects for Transitional House(s):

- BURN Grant- Project Re-Direct participants (1 house)
- Ramsey County Emergency Shelter Grant (1 house)
- United Way Emergency Shelter- Domestic Violence Project (1 house)

BURN: Project Re-Direct House

- Transitional housing for youth participating in Project Re-Direct. A project designed to promote gang intervention and gang violence prevention.
- 2 full-time staff (7am-4pm and 4pm-12am) and 6 part-time staff.
- 1 overnight security

ESG: Ramsey Emergency Shelter

- Temporary shelter with a maximum stay of 30-45 days for unaccompanied homeless youth. Provide basic shelter and supportive services.

- Full-time and overnight staff.

United Way: Emergency Housing (Domestic Violence Project)

- Emergency shelter for youth (and their children) fleeing domestic violence. Emergency shelter to provide support services, advocacy, referral, and counseling.
- One 24/7 "House Mom" (supervisor living in the house)
- One overnight security

Other Eligible Populations:**HPRP/HUD Eligible Participants**

According to the federal definition of homelessness, an individual/family is considered homeless only when he/she resides in one of the following places:

- In places not meant for human habitation (cars, parks, abandoned buildings, on the streets).
- In an emergency shelter.
- In transitional or supportive housing for homeless persons who originally came from the street or emergency shelters.
- Is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks resources and support to obtain housing.
- Is being discharged within a week from an institution (hospital, mental health/substance abuse treatment, jail/prison) in which the person has been a resident for more than 30 consecutive days.
- Is fleeing a domestic violence housing situation and no subsequent residence has been identified.

Financial assistance and relocation and stabilization services to re-house singles, families or unaccompanied youth who meet HUD's definition of homelessness.

Funds may be used for:

- Temporary rental and utility assistance for up to 18 months

FHPAP Eligible Youth (service & assistance)

- FHPAP provides rapid exit services, exiting youth from shelter into permanent housing. The youth must have income \$450-\$600 and is willing to participate and partner with support services. Youth's rental subsidy is determined on the youth's income and can range from \$100-\$450 for a maximum of 12 months.

Benefits for Participants:

- Opportunity to gain rental experience
- Affordable rent for fixed incomes
- Opportunity to enhance social skills and life skills development
- No risk of Unlawful Detainers/Evictions
- Community/supportive environment
- Secured Building
- Accessibility to staff

David Youmans 651-775-1766

Property Address: 680 Thomas Ave., St. Paul, MN 55014

I am applying for a conditional use permit for a transitional housing facility to serve 6 or fewer adult residents and minor children in their care.

Sec. 65.159 Transitional housing facility.

This above-referenced property meets all of the standards and conditions in the above Section 65.159 in the following manner

- (a) A conditional use permit is required because the facility is a residential single family home, zoned R4. The facility will serve more than four (4) adult residents. If the use is accepted, this condition will be met.
- (b) As far as we know, the above-referenced property is at least 1,320 feet away from another transitional housing facility.
- (c) As far as we know, the above-referenced property is not located in any prohibited planning district.
- (d) The above-referenced property will serve six (6) or fewer adult residents.
- (e) The above-referenced property is not a two-family or multifamily dwelling and residents will occupy the entire structure.
- (f) The above-referenced property will serve six (6) or fewer adult residents.

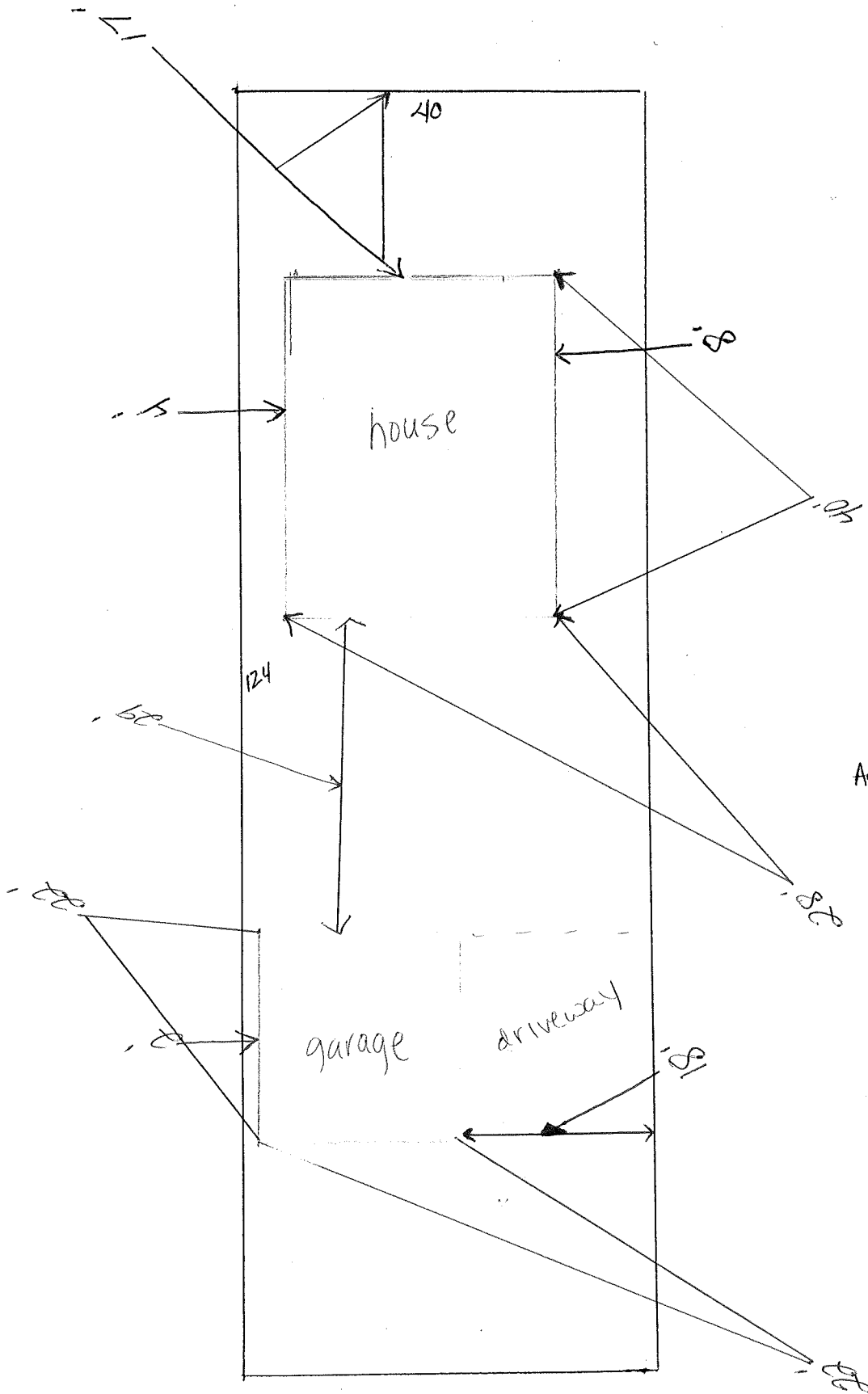
Sec. 61.501. Conditional use permit, general standards

Global Construction & Investment Co., Inc. has applied for a Conditional Use permit for a residential transitional housing unit for 6 or fewer adults. The property is located at 680 Thomas Ave., St. Paul, MN.

a-e.

- a. Not applicable
- b. The property is located on the corner of Thomas and St. Albans Aves. The property does allow for adequate ingress and egress to minimize traffic. The property also has a detached two car garage with two additional off street parking spaces. The tenants that will be residing at the property are young adults with little money and are just getting a start or fresh start on life. 90% of the young adults that will be housed at this facility cannot afford vehicles.
- c. The use will not in any way be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This property is a single family residence in a residential neighborhood and will be used solely as a transitional housing facility.
- d. This is a single family home which will be occupied by 2-6 individuals. There will be no difference with this property than say the property next door which has a family of six living together.
- e. Yes. The property will conform to the applicable regulations of the district in which it is located.

Thomas Ave



Applicant:

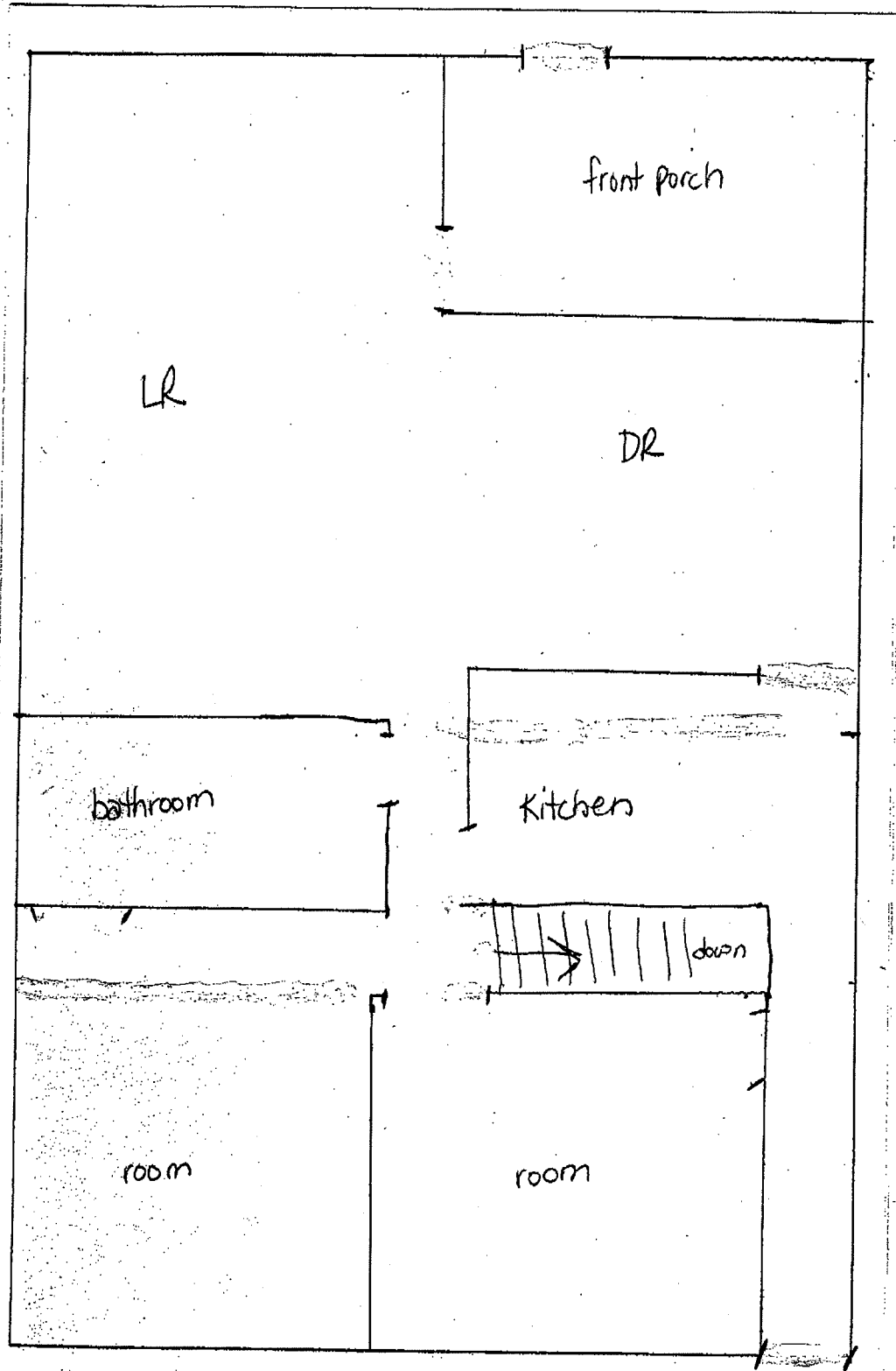
David Youmans

Address: 680 Thomas Ave
St Paul

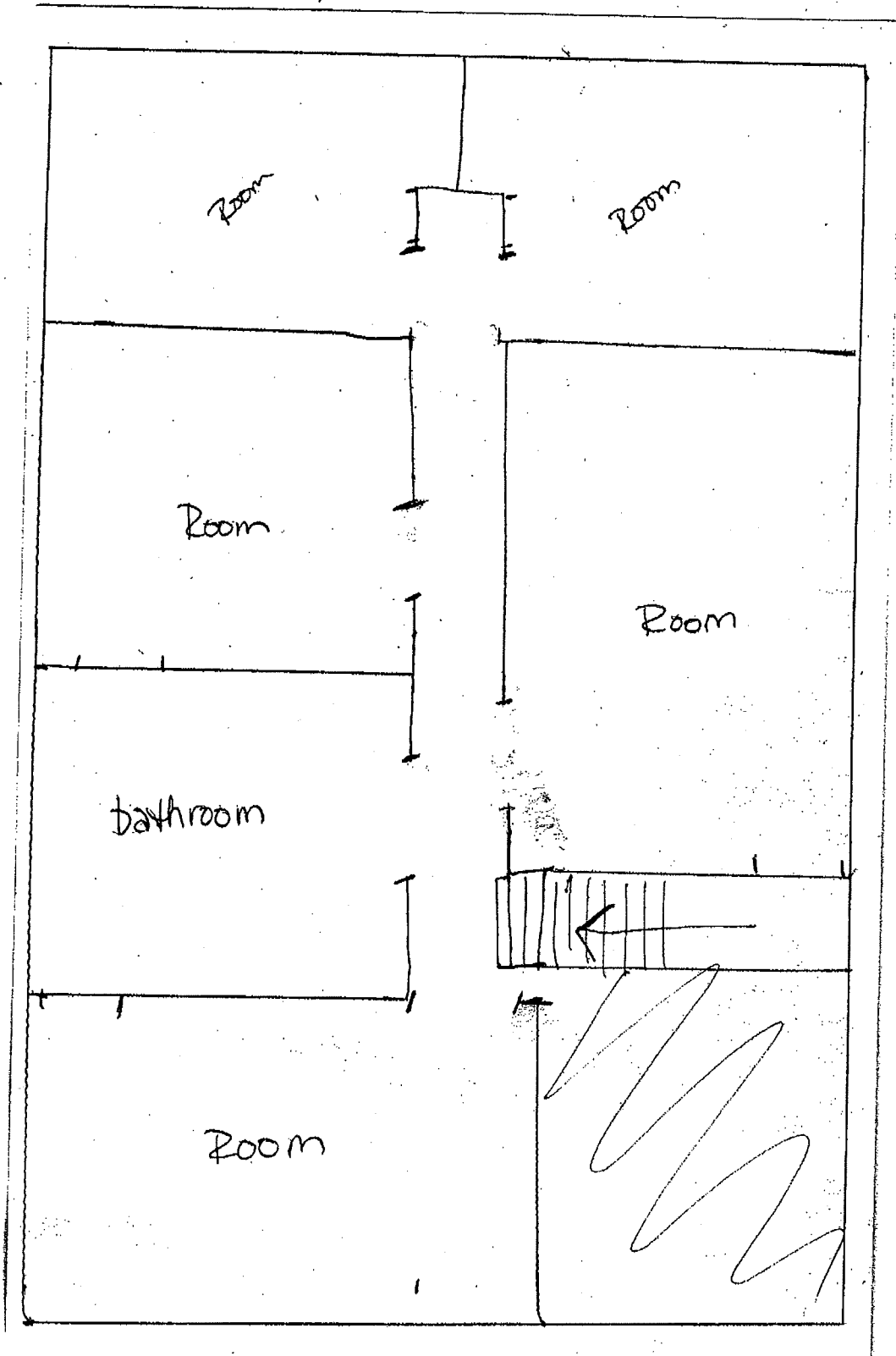
Legal: Lot 1, chute
Brothers Division,
No. 6

scale

1" = 15'



1st floor



2nd floor



DISTRICT 7
PLANNING
COUNCIL

651/789-7480 (office)
651/789-7401 (fax)
district7pc@yahoo.com (e-mail)

533 North Dale Street
Saint Paul, Minnesota 55103-1644

Conditional Use Permit

Property: 680 Thomas Avenue

Issue: The applicant is asking for a conditional use permit to allow more than 4 unrelated adults to live at this location.

Meeting Date: **November 24, 2009**

Meeting Location: **533 Dale Street North**

Total # in Attendance: **21**

(A list can be provided upon request)

of residents and business/ property owners
in attendance located in District 7*: **17**

Applicant Present?: **yes**

Community Response at Meeting:**

Pros

- The organization has a good track record.
- The program is needed in the neighborhood and the city.
- It is a good use of a vacant building.
- It is good to see so many partnerships between organizations.
- The clients will be well supported.

Cons

- There are not enough bathrooms for the amount of people proposed to live there.
- There should be a condition to revoke the Conditional Use Permit if Freeport West leaves.
- The property owner should have a clause that allows him to terminate the lease, if there are problems.
- If there are problems we should be able to pull the permit.
- It takes the police a long time to respond to calls on this block and this could put the women in jeopardy.
- There should be drug testing of clients.

Community Response Outside of Meeting:**

Pros

- Would be better than a vacant house.

Cons

- There should be a way to monitor the activities and revoke the permit if there are problems.

* Prior to the meeting all properties within 350 ft. of the property in question were informed of the issue.

+ The applicant was notified of the community meeting immediately after District 7 received a copy of the application from the City.

** All listed responses were given by individuals living, working or owning property in the boundaries of District 7 Planning Council.

General Consensus or Vote:

15 in Support / 0 in Opposition / 6 in Abstention

The District 7 Planning Council recommends approval under the condition that if Freeport West is no longer involved in the property, then the Conditional Use shall be revoked.

Respectfully submitted by: Tait A. Danielson Castillo
Executive Director
District 7 Planning Council

ZF# 09-327-710

680 THOMAS

Sarah Zorn - Re: question about file 09-327-710

From: tony strouth
To: Sarah Zorn
Date: 12/2/2009 10:40 PM
Subject: Re: question about file 09-327-710

I do have a few concerns about having one of the troubled residents/teens being put in charge of managing the facility with multiple troubled residents during the prime times of delinquent activities of the day, aka the night time from 5:01pm to 8:59am. I would think the troubled kids would find the most opportunity to make poor decisions during that time frame and would require the most supervision during the time. In addition, I would think most of these kids would be attending some sort of school during the day. I fail to understand the significance of an adult managing the facility during a 9-5 schedule Monday through Friday, since the kids will be attending school, what life skills could adequately be taught in a 2 hour span after school?. I like the idea of a facility handling the development of troubled teens but I find the delivery by this applicant poor and more business minded than beneficially minded towards the kids.

On Mon, Nov 30, 2009 at 2:14 PM, Sarah Zorn <Sarah.Zorn@ci.stpaul.mn.us> wrote:

Tony,

I spoke to the applicant regarding the proposed transitional housing facility at 680 Thomas and have gotten some more clarification as to what they are proposing. According to the applicant, the facility will serve young adults between the ages of 16 and 21, and up to one minor child in their care. Residents will be receiving life skills training with the intent of getting them started and on their feet. The length of stay will be up to 18 months. The facility will be staffed between the hours of approximately 9 a.m. to 5 p.m. and one of the adult residents will be "in charge" while staff is not present.

Please let me know if you have any additional questions. Otherwise you are welcome to testify at the public hearing on December 10th at 3:30 p.m. or send me any comments you may have in writing so that they can become a part of the public record.

Sarah



Sarah Zorn
 Planning and Economic Development
 25 West Fourth Street, Ste 1400; Saint Paul, MN 55102
 P: 651.266.6570
 F: 651.228.3220
 sarah.zorn@ci.stpaul.mn.us
 www.stpaul.gov

Making Saint Paul the Most Livable City in America

>>> tony strouth <[REDACTED]@gmail.com> 11/27/2009 1:13 PM >>>

Hi Sarah,

My name is Tony Strouth, I recently received a post card about a conditional use permit for transitional housing facility for six or fewer residents at the property address 680 Thomas ave, sw corner at St. Albans. I am wondering what kind of transitional housing this is? Is it a halfway house? I am concerned because I live in the area and I know there are many kids in my neighborhood. I look forward to your reply.

Thanks,

Tony Strouth



680 Thomas Avenue



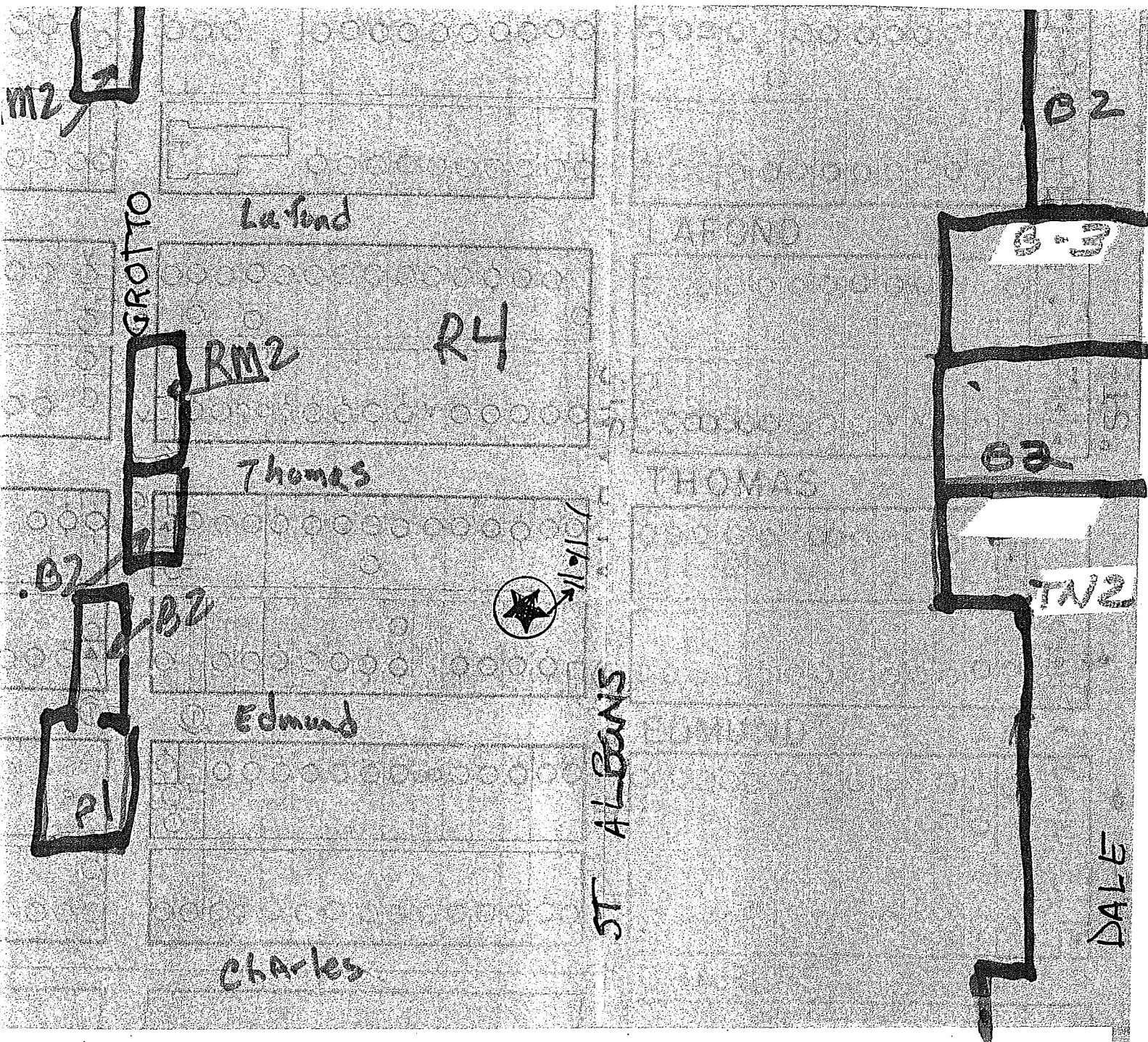
2 car garage on St. Albans



Property across St. Albans



Property across Thomas Avenue



APPLICANT David Youmans
 PURPOSE Conditional Use
 FILE # 09-327710 DATE 11-24-09
 PLNG. DIST. 7 MAP # 11+12

SCALE 1" = 400'



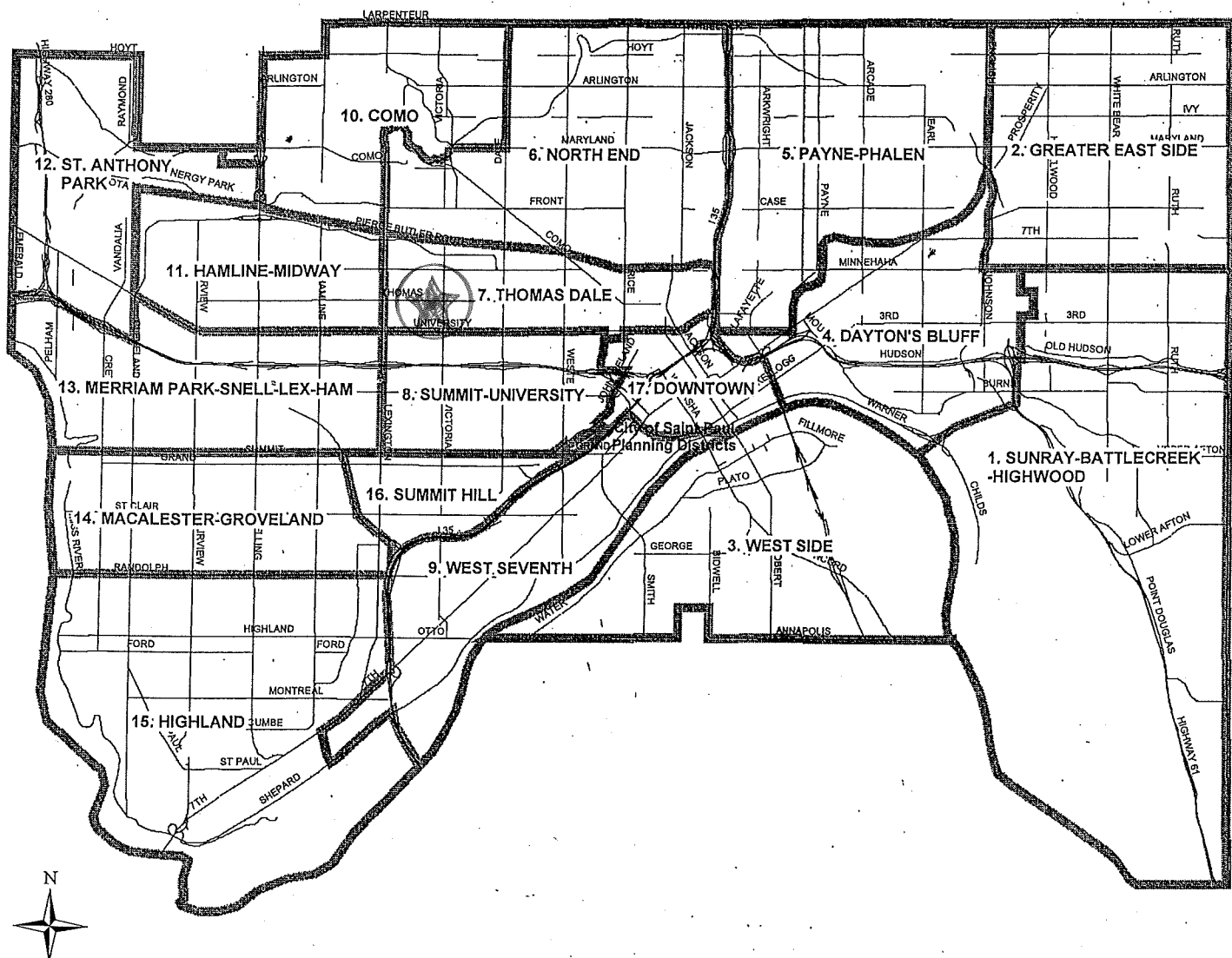
LEGEND

zoning district boundary
 subject property

one family
 two family
 multiple family

north
 commercial
 industrial
 vacant

CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK. - LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-327710

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Raymond Matter **FILE #**09-328-553
2. **APPLICANT:** Raymond Matter **HEARING DATE:** December 10, 2009
3. **TYPE OF APPLICATION:** NUP - Establishment
4. **LOCATION:** 770 Brookline St, NE corner at Springside
5. **PIN & LEGAL DESCRIPTION:** 142822120025, BURLINGTON HEIGHTS, DIVISION NO. 1, RAMSEY COUNTY, MINNESOTA VAC STS & ALLEYS ACCRUING & FOL; LOTS 17 THRU 22 BLK 4 ALSO FORMER LOTS 16 THRU 19 & 22 THRU 27 BLK 5 OF BURL. HTS DIV NO 1 AS VAC. NOW BEING PART OF NW 1/4 OF NE 1/4 OF SEC 14 T 28 R 22 ALSO IN
6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** R1
7. **ZONING CODE REFERENCE:** § 62.109(a)
8. **STAFF REPORT DATE:** December 3, 2009 **BY:** Sarah Zorn
9. **DATE RECEIVED:** November 19, 2009 **60-DAY DEADLINE FOR ACTION:** January 18, 2010
-

- A. **PURPOSE:** Establishment of legal nonconforming use status for excavating business
B. **PARCEL SIZE:** Irregular parcel; 156,310 sq. ft.
C. **EXISTING LAND USE:** R-Single Family Dwelling
D. **SURROUNDING LAND USE:**
North: Single family residential (R1)
East: Single family residential (R1)
South: Single family residential (R1)
West: Single family residential (R1)
E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.
F. **HISTORY/DISCUSSION:** In April of 2003 the Board of Zoning Appeals approved a variance for a 1,500 sq. ft. accessory garage (#03-271666). A condition of the variance was that the garage was "not to be used for the storage of commercial vehicles or equipment or for any other business purposes."
G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council had not commented at the time this report was prepared.
H. **FINDINGS:**
1. The applicant has been operating an excavating business since 1973 and has been using his property as the base for this operation. Business vehicles and equipment are stored on site. In the winter, the applicant uses his business equipment to maintain the access road to his property and adjoining property as well.
2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
(1) *The use occurs entirely within an existing structure.* This condition does not apply. The excavation business is an outdoor use that cannot take place within an existing structure.
(2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application.* This condition is met. According to the applicant the business has been based at this location since 1973.
(3) *The off-street parking is adequate to serve the use.* This condition is met. Adequate parking is available to serve the use. The parcel is more than three (3) acres and the business employs only two people.
(4) *Hardship would result if the use were discontinued.* This condition is met. The business constitutes the livelihood of the applicant and hardship would certainly result if the use were

discontinued. The applicant would incur significant expense if he were required to store the equipment at an alternative location.

- (5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This condition is met. Rezoning the property to an industrial classification would be inconsistent with surrounding residential land uses.
- (6) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This condition is met. This property is in an established neighborhood, making additional development unlikely and in some cases impossible due to the proximity of the bluffline. The business has been in existence since 1973, its continuation will not be detrimental to the existing character of development in the immediate area. In addition the applicant regularly maintains Brookline Street and access to adjacent property in the wintertime.
- (7) *The use is consistent with the comprehensive plan.* This condition is met. The use is not inconsistent with any specific plan policies.
- (8) *A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on November 24, 2009: 17 parcels eligible; 12 parcels required; 16 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the establishment of legal nonconforming use status for an excavating business subject to the condition that the nonconforming use permit shall remain valid so long as the applicant, Ray Matter, resides on the premises. The nonconforming use permit shall not be transferable to any of the applicant's successors or assigns, or any other persons.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

PD=1

Zoning Office Use Only
 File #: 09-328553
 Fee: 650.00
 Tentative Hearing Date: 12-10-09
142822120025

APPLICANT

Name RAYMOND VINCENT MATTER
 Address 770 BROOKLINE AVE
 City ST PAUL St. BROWN Zip 55119 Daytime Phone 612-619-0415
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone 612-619-0415
451-735-2266

PROPERTY LOCATION

Address/Location 770 BROOKLINE AVE
 Legal Description 14-28 120025 0156
 Current Zoning R1
 (attach additional sheet if necessary) RC3

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☒ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use We have an excavating business here since 1973-

Proposed Use _____

Attach additional sheets if necessary

We want a permit to keep this excavating business here

Attachments as required ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Applicant's Signature Raymond V Matter Date 11-3-09 City Agent pd 11-19-09

City of St. Paul
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102-1634

November 17, 2009

Raymond Matter
770 Brookline Avenue
St. Paul, MN 55119

Dear Mr. Dubruiel,

Please find enclosed a completed Nonconforming Use Permit Application for my property, located at 770 Brookline Avenue in St. Paul. I am submitting this application under provisions of Chapter 62, Section 109 of the Zoning Code which allows for "establishment of legal nonconforming use status for use in existence at least 10 years."

As required by the City of St. Paul, I have provided proper notification to **all** owners of property within 100 feet of the subject property and acquired 100% signed consent to the Nonconforming Use Permit. Originals of all required and referenced documents are provided with this letter.

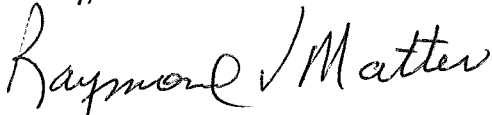
To speak to the points identified in the Nonconforming Use Status document provided by the City:

- I started my single-owner, single employee excavating business in 1973. I have always used my property at 770 Brookline Avenue as my base of operation. In 1992 my son, Rory Matter, joined me in business and Rory and I are the sole employees. While the subject property has always been the base of operation for the business, no business is conducted at this address.
- Off-street parking is adequate to serve the use in that the subject property size is 3+ acres and the business equipment is always parked on the property.
- Hardship **would** result if the use were discontinued. In today's economy and housing market, my excavating business is surviving by a thread. We do not have the financial wherewithal to re-establish or re-locate the business and the supporting infrastructure (garage and home-based office) currently located at the subject property.
- As mentioned earlier, I started my business in 1973 (36+ years ago) and the subject property has always been the base of operation for the business. I have never received complaints about my use of my property, nor has the current use ever endangered public health, safety or general welfare. In fact, I would argue that I positively contribute to the safety and general welfare of my immediate neighbors by performing snow removal (performed almost immediately following cessation of snowfall and sometimes done incrementally during a snowfall), snow removal

around three fire hydrants located in close proximity to the subject property, and by taking care of more than 1000 feet of easement driveway and Brookline Avenue year-round.

I respectfully request your thoughtful consideration and approval of my Nonconforming Use Permit request. Please let me know if further information or supporting documentation is desired or required.

Sincerely,

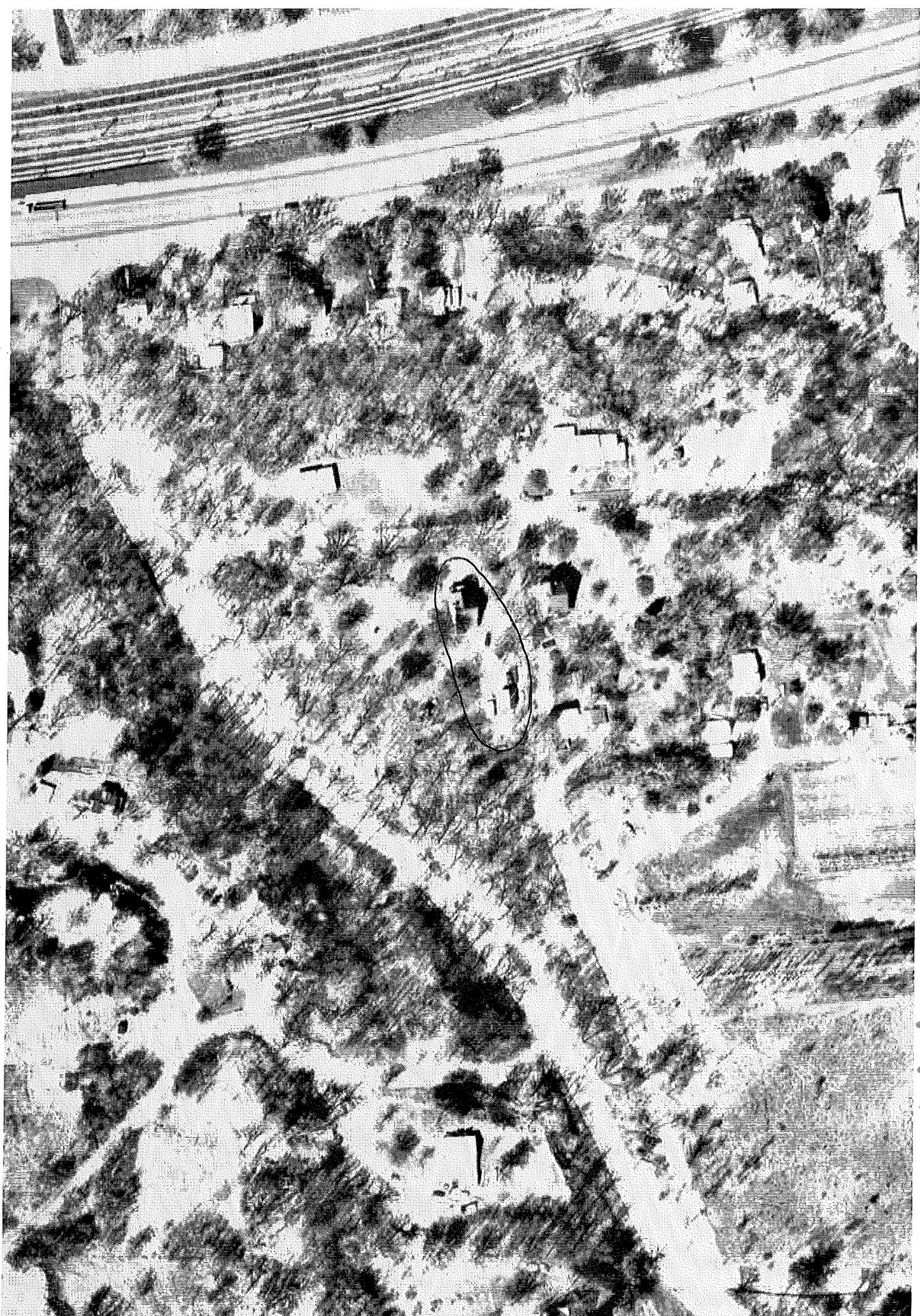
A handwritten signature in cursive script that reads "Raymond V. Matter". The signature is written in dark ink and is positioned above the printed name.

Raymond V. Matter

Encl: Notarized Affidavit of Petitioner for a Conditional Use Permit or a Nonconforming Use Permit
 City of St. Paul Consent of Adjoining Property Owners for a Nonconforming Use Permit (1 signature)
 City of St. Paul Consent of Adjoining Property Owners for a Nonconforming Use Permit (11 signatures)
 Testimonials from neighbors (5 letters)
 Copy of 1973 Rayco Excavating Comprehensive Insurance
 Copy of 1973 Rayco Excavating Liability Insurance
 Copies of Rayco Excavating first bank statement and checks, 1973
 Aerial photographs of area



1473



1974



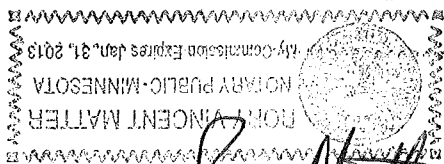
1977

I, Albert Glisky, having resided at 805 Brookline Ave., St. Paul, Minnesota since 1963 attest to the following facts that are known to me.

Ray Matter has operated and kept his excavating equipment for Rayco Excavating, Inc. at 770 Brookline Ave., St. Paul, Minnesota since 1973.

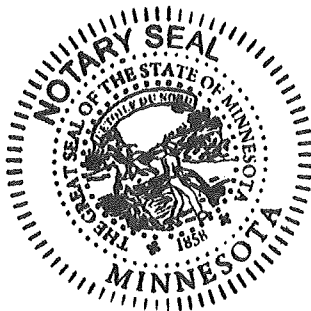
Albert M. Glisky
Albert Glisky

11/18/09
Date



Rayco Matter
Notary Public

November 18, 2009
Date



I, Scott Ackerman, having resided at 808 S. Winthrop St., St. Paul, Minnesota since 1964 attest to the following facts that are known to me.

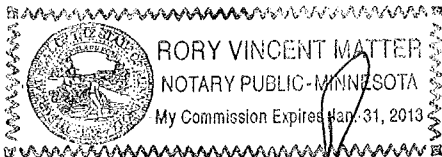
Ray Matter has operated, and kept his excavating equipment for, Rayco Excavating, Inc. at 770 Brookline Ave., St. Paul, Minnesota since 1973.

Scott Ackerman

Scott Ackerman

11-18-09

Date



Rory Matter
Notary Public

November 18, 2009

Date




I, Wayne Shoenheider, residing, at 669 Burlington Rd., St. Paul, Minnesota since 1961 attest to the following facts that are known to me.

Ray Matter has operated, and kept his excavating equipment for, Rayco Excavating, Inc. at 770 Brookline Ave., St. Paul, Minnesota since 1973.

Wayne R Shoenheider
Wayne Shoenheider

11-18-09
Date

 RORY VINCENT MATTER
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2013
Rory Matter
Notary Public

18 NOV 2009
Date

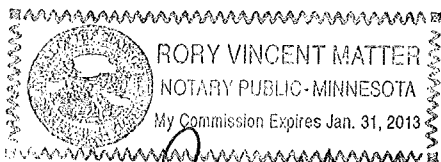


I, Elizabeth Kamish, having resided at 769 Brookline Ave., St. Paul, Minnesota since 1958 attest to the following facts that are known to me.

Ray Matter has operated and kept his excavating equipment for Rayco Excavating, Inc. at 770 Brookline Ave., St. Paul, Minnesota since 1973.

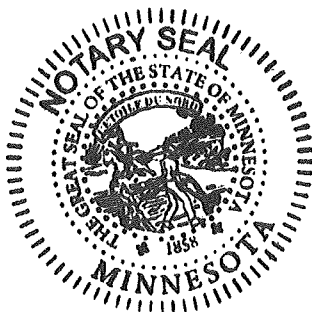
Elizabeth Kamish
Elizabeth Kamish

11-18-09
Date



Rory Matter
Notary Public

November 18, 2009
Date



I, Dan Norton, having been raised, and now residing, at 782 Gabriel Rd., St. Paul, Minnesota since 1957 attest to the following facts that are known to me.

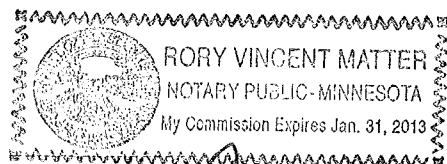
Ray Matter has operated, and kept his excavating equipment for, Rayco Excavating, Inc. at 770 Brookline Ave., St. Paul, Minnesota since 1973.

Dan Norton

Dan Norton

11/18/2009

Date



Rory Matter

Notary Public

November 18, 2009

Date



INVOICE

ROLLE INSURANCE AGENCY*Insurance and Real Estate*

320 EXCHANGE BUILDING

Telephone 451-1075

SOUTH ST. PAUL, MINNESOTA 55075

Date May 14, 1973

To Raymond Matter dba Rayco Excavating,
 770 Brookline Ave.,
 St. Paul, Minn. 55119

EXPIRATION	POLICY NUMBER	COMPANY	PROPERTY COVERED	KIND OF INSURANCE	AMOUNT	RATE	PREMIUM DUE
5-14-74	AGC677617	West. Cas. & SurCo.	General Comprehensive (Incl. Completed operations- Independent contractors Comp. auto liability trucks & equipment per Schedule (certificate to Sussel Co.)	Liability BI&PD BI&PD & UM	\$300,000/ \$50,000 100/300/50 credit		\$1760.64 800.00 \$ 960.64
Remarks				Order Given by			
				Mortgagee			
				Order Given to			

Named Insured dba/ Bayco ExcavatingEffective Date May 14, 1973 Policy No. AGC 677617

Authorized Agent

Description of Hazards	Code No.	Premium Bases	Rates		Deposit Premiums	
			Bodily Injury Liability	Property Damage Liability	Bodily Injury Liability	Property Damage Liability
The rating classifications under the Description of Hazards do not modify the exclusions or other terms of the policy. (a) Premises—Operations			(a) Per 100 Sq. Ft. Area (b) Per Frontage (c) Per \$100 Remuneration (d) Per \$100 Receipts		\$	\$
Excavation	3470XCU	c) 5200	1.946	1.56 3.42XC .60U	101. ✓	81. ✓ 178.XC ✓ 31.U ✓
(b) Escalators		Number	Per Landing			
NOT COVERED						
(c) Independent Contractors		Cost	Per \$100 of Cost			
Construction Operations—contractor (not railroads)—excluding operations on board ships	0514	If Any	.028	.013	15. MP	9. MP
(d) Completed Operations			Per \$1,000 of Receipts			
Excavation	1224	If Any	.239	.350	12. MP ✓	35. MP
(e) Products			Per \$1,000 of Sales			
Premium Sub-Total					\$128. ✓	334. ✓
Limits of Liability		COVERAGE E - PREMISES MEDICAL PAYMENTS (See Provisions on Reverse Side)	(a) Premises and Operations		\$	
Each Person	Each Accident		Not Covered			
\$	\$		(b) Escalators		\$	
			(c) Sports Activities		\$	
					\$	
					\$	
GENERAL LIABILITY DEPOSIT PREMIUM					\$ 462.	



DECLARATION OF AUTOMOBILE MEDICAL PAYMENTS ENDORSEMENT

Named Insured **dba/Rayco Excavating**

Effective Date **May 14, 1973** Policy No. **AGC 677617**

Authorized Agent

Limit of Liability - \$ _____ each person

COVERAGE F - AUTOMOBILE MEDICAL PAYMENTS SCHEDULE

Designation of Automobiles - Division 1

- (1) ☐ Any owned automobile
(2) ☐ Any licensed owned private passenger automobile
(3) ☐ Any licensed owned automobile of the pickup, sedan delivery or panel type
(4) ☐ Any hired automobile
(5) ☐ Any automobile described with specific Automobile Medical Payments premium charge
(6) ☐

Designated Person Insured

Description of Hazards					Deposit Premiums		
Premium Basis - Per Automobile					Bodily Injury Liability	Property Damage Liability	Automobile Medical Payments
1. OWNED AUTOMOBILES	Principal Garage Location	Year Model	Trade Name and Body Type	Motor, Serial or Identification No.	Purposes or Use*		
			See Schedule 1551 Attached			365.21	228.25
2. HIRED AUTOMOBILES					Premium Basis - Cost of Hire		
Types Hired		Location Where Auto Will Be Principally Used		Estimated Cost of Hire	Rates Per \$100 Cost of Hire		
					B. I.	P. D.	
Commercial (7)		St. Paul, Minnesota		If Any	5.279	3.125	
Private Passenger		St. Paul, Minnesota		If Any	3.290	1.752	
3. NON-OWNED AUTOMOBILES					Premium Basis - Class 1 Persons and Class 2 Employees		
Class 1 Persons - Name of Each			Location of Headquarters of Persons Named		Rates Per Person		
					B. I.	P. D.	
If Any			St. Paul, Minnesota		8.415	3.955	
Class 2 Employees Estimated Average Number			Location of Headquarters of Class 2 Employees		Rates Per Employee		
					B. I.	P. D.	
If Any			St. Paul, Minnesota		.260	.113	
Minimum Premiums { B. I. \$ 7.65					Sub-Totals		
Divisions 2 & 3 { P. D. \$ 1.13					\$ 372.86 \$ 229.38		
Premium for Automobile Physical Damage Insurance Supplement					\$ 495.30		
Uninsured Motorist Endorsement 1677					\$ 8.00		
					\$		
					\$		
AUTOMOBILE DEPOSIT PREMIUM					\$ 1105.54		

* "P&B" means "Pleasure and Business"; "C" means "Commercial"

Form AGC 1675



This supplement by itself is not a complete policy of insurance and is effective only when attached to a CGA or AGC policy.

AUTOMOBILE PHYSICAL DAMAGE INSURANCE SUPPLEMENT

The insurance afforded for each automobile is only with respect to such of the following coverages as are indicated by specific premium charge. The limit of The Western's liability against each such coverage shall be as stated in the schedule, subject to all the terms of this supplement having reference thereto.

SCHEDULE

Item No.	Territory 02 Garage Location	Year Model — Trade Name — Body Type — Identification, Motor or Serial Number	Rate Class	Factory List Price or Rate Symbol and Age Group	Actual Cost When Purchased Including Equipment	Purchased	
						Mo. Yr.	New-Used
1.		1968 Ford Dump Tandem #T85LUB26862	7CB	15,001/17,500			
2.	10% 7CB	1971 Dynaweld LoBoy Trlr #17145					
3.		1963 Cat Tractor Front End Loader #60A5676 M&O					
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							

Item No.	Limit of Liability (Coverages D, F, G, H and I)	Coverages and Premiums							10/20 UM			
		D Comprehensive	E - Collision		F Fire	G Theft	H Wind	I Combined Additional Coverage	XX XX XX 500,000 Uninsured	Automobile Liability and Medical Payments Coverages are not provided in this supplement but premiums for such applicable to owned automobiles may be itemized herein.		
			Deductible Amount	Premium						Bedly Injury Liability	Property Damage Liability	Automobile Medical Payments
1.	\$ 6000	\$ 72.60	\$ 250	\$ 181.	\$	\$	\$	\$	\$ 4.00	\$ 332.01	\$ 207.50	\$
2.	2800	24.20	250	38.					4.00			
3.	13,000	78.00	250	101.50						33.20	20.75	
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												
16.												
17.												
18.												
19.												
20.												
Total Premiums		\$ 174.80	XX	\$ 320.50	\$	\$	\$	\$	\$ 8.00	\$ 365.21	\$ 228.25	\$

Western's maximum liability under this supplement for any one loss is \$ _____; for any one automobile is \$ _____

Payee: (name and address) _____

Insured **DBA: Rayco Excavating**
Address **770 Brookline Avenue**
St. Paul, Minnesota 55119

Sherman Insurance Agency 211-334
So. St. Paul, Minn. 6-13-73 ack

Endorsement Effective **June 5, 1973**

Pol. Expires **May 14, 1974**

Code No.

Authorized Representative

Remarks **Add Unit**

Pol. Period from to

Occupation

Garaged at

Loss Payee Name
Address

Grand Total Premium	Additional \$	Return \$
	193.10	
Pro rata Factor	Earned	Unearned
		94%

† P/R unless S/R precedes factor

AMENDMENT OF AUTOMOBILE(S), RATE CLASS(ES), LIMIT(S), COVERAGE(S), PREMIUM(S): Item 3 and/or 4 of the policy declarations is/are changed as indicated by the following sections R, S & T of this endorsement. All other items remain as previously provided.

R — AUTOMOBILE ADDED OR AMENDED: These limit(s), coverage(s), premium(s) are added or amended with respect to the following automobile. If an automobile is not designated then the changes apply to all insured units.

Purchased		Year Model	Trade Name and Body Type	Motor, Serial, or Identification Number	No. of Cyls	Actual Cost Incl. Equip., Factory List Price, or Symbol & Age Group		H. P.	Cu. In. Disp.
Mo. Yr.	N-U								
		1963	Ford 3/4 T. Pkp.	25JK361887					
X If Cov. Dropped	LIMITS OF LIABILITY		COVERAGES	TERM PREMIUMS			Additional Premium	Return Premium	
				Unit #1	Unit #2	Unit #3			
	\$ 100	thousand each person		\$	\$	\$	\$	\$	
	\$ 300	thousand each accident*	Bodily Injury Liability	123.93			116.49		
	\$ 50	thousand each accident*	Prop. Dam. Liability	77.50			72.85		
	\$	each person	Auto Med. Payments						
		Actual Cash Value or Amount Stated	Comprehensive						
	\$	Ded. from ACV	Collision or Upset						
		Actual Cash Value or Amount Stated	Fire, Light. and Trans.						
			Theft						
			Wind, Hail, Earthquake, Explosion						
	\$		Comb. Add'l Cover.						
	\$	each disablement	Towing and Labor						
	\$ 10	thousand each person	Uninsured Motorists	4.00			3.76		
	\$ 20	thousand each accident							
(Rate Class		8CA)	(Rate Territory	02)	TOTALS	\$193.10	\$

S — AUTOMOBILE RATE CLASS CHANGE: The rate class has been changed with respect to the following automobile:

	Year Model	Trade Name and Body Type					New Rate Class				Additional Premium	Return Premium
											\$	\$
Coverages	B.I.	P.D.	A.M.P.	COMP.	COLL.	Fire	Theft	Wind	C.A.C.	Towing	U.M.	
New Term Premiums												

T — AUTOMOBILE ELIMINATED: To discontinue insurance with respect to the following automobile:

Year Model	Trade Name and Body Type	Motor, Serial or Identification Number	Return Premium
			\$

All other terms, limits and provisions of this policy remain unchanged.

*If the policy to which this endorsement applies provides Bodily Injury Liability and Property Damage Liability on an "occurrence" basis, the word "occurrence" shall be substituted for the word "accident" in this endorsement with respect to such coverages.

W. L. Bench
Secretary

Form 1515-R4

This endorsement is important — Please file it with your Automobile Insurance Policy

INSURED'S COPY

INVOICE

ROLLE INSURANCE AGENCY*Insurance and Real Estate*

320 EXCHANGE BUILDING

Telephone 451-1075

SOUTH ST. PAUL, MINNESOTA 55075

Date May 14, 1973

To Raymond Matter dba
 Rayco Excavating,
 770 Brookline Avenue,
 St. Paul, Minn. 55119

EXPIRATION	POLICY NUMBER	COMPANY	PROPERTY COVERED	KIND OF INSURANCE	AMOUNT	RATE	PREMIUM DUE
5-14-74	WC 661158	West. Cas. & Sur. Co.	Workmens Compensation Excavation		est. prem.		\$141.00
Remarks				Order Given by			
				Mortgagee			
				Order Given to			

Standard Workmen's Compensation and Employers' Liability Policy

Renewal of No. New



No. WC 661158

THE WESTERN CASUALTY AND SURETY COMPANY

FORT SCOTT, KANSAS

A STOCK INSURANCE COMPANY

DECLARATIONS

Item 1. Name of Insured and Address: (No., Street, Town or City, County, State, Zip Code)

Raymond Matter, DBA: Rayco Excavating (None Assigned)
770 Brookline Avenue
St. Paul, Minnesota 55119

Policy Term: One Year(s) 5-14-73 Inception 5-14-74 Expiration

Insured is ☒ Individual ☐ Partnership ☐ Corporation ☐ (Other)

Locations—All usual workplaces of the insured at or from which operations covered by this policy are conducted are located at the above address unless otherwise stated herein: (ENTER BELOW)

Item 2. Policy Period: From May 14, 1973 to May 14, 1974 12:01 A.M., standard time at the address of the insured as stated herein.

Item 3. Coverage A of this policy applies to the workmen's compensation law and any occupational disease law of each of the following states:

Minnesota

Item 4. Classification of Operations

Entries in this item, except as specifically provided elsewhere in this policy, do not modify any of the other provisions of this policy.

*Clerical Office Employees N.O.C.

*Salesmen, Collectors or Messengers—Outside

*(If not specifically included in classifications)

Excavation N.O.C.

Loss Constant

Expense Constant 15.

*Policy subject to: ☐ 3 Yr. - Fixed Rates ☐ 3 Yr. - Rates Adjusted Annually

Minimum Premium \$ 141.

Total Estimated Annual Premium \$ 141.

If indicated herein, interim adjustments of premium shall be made: ☐ Semi-Annually ☐ Quarterly ☐ Monthly Ann. Dep. Prem. \$ 141.

*Deposit premium is payable: \$ in advance, \$ 1st anniversary, \$ 2nd anniversary

Numbers of endorsements forming a part of this policy on its effective date:

Item 5. Limit of Liability for Coverage B—Employers' Liability: \$ 100,000., subject to all the terms of this policy having reference thereto.

Sherman Ins. Agency 211-334

So. St. Paul, Minn. 5-31-73 ack

Countersigned at: _____

Authorized Representative

00300

ACCOUNT NUMBER	DISP CODE	FROM	PERIOD COVERED	TO	NUMBER OF ENCLOSURES	PAGE
03 39 899		00/00	05/31/73	17	1	

RAYCO EXCAVATING
770 BROOKLINE
ST PAUL MINN 55119

Please use reverse side for
any change of name or address
and for
balancing your account

Report any differences
within 30 days

READY RESERVE SUMMARY

READY RESERVE 30 DAYS	CR. LIFE	FINANCE CHARGE	PREVIOUS BALANCE	NO.	LOANS AMOUNT	NO.	PAYMENTS AMOUNT	NEW BALANCE	APPROVED CREDIT	AVAILABLE CREDIT
XXXXXX			+		+		-	=		
AVERAGE DAILY BALANCE	NUMBER OF DAYS	PERIODIC RATE OF % A DAY	= FINANCE CHARGE		CORRESPONDING ANNUAL PERCENTAGE RATE IS					

THE AVERAGE DAILY BALANCE IS THE SUM OF THE INDIVIDUAL DAILY LOAN BALANCES DIVIDED BY THE NUMBER OF DAYS THE LOAN IS OUTSTANDING DURING THE BILLING CYCLE OR THE NUMBER OF DAYS SINCE LAST PAYMENT, WHICHEVER NUMBER OF DAYS IS LARGER. THE AVERAGE DAILY BALANCE IS MULTIPLIED BY THIS NUMBER OF DAYS AND BY THE PERIODIC RATE TO DETERMINE THE AMOUNT OF THE FINANCE CHARGE.

CHECKING ACCOUNT SUMMARY

CHECKING ACCOUNT SUMMARY									
PREVIOUS BALANCE		CHECKS AND OTHER DEBITS			DEPOSITS			SERVICE CHARGE	NEW BALANCE
NUMBER	AMOUNT	NUMBER	AMOUNT		NUMBER	AMOUNT			
00		13	- 2498684		4	+ 2599080	-	00	= 100396

CHECKS AND OTHER DEBITS				DEPOSITS	DATE	BALANCE
					0000	00
1330000					0514	133000000
				50000		
				2250000	0515	970000
80000	600000				0516	290000
4042					0517	285958
36210				100000	0521	349748
2525	11200	280000			0522	56023
705ME	1821				0525	53497
				199080	0529	252577
4481	47700	100000			0530	100396

EXPLANATION OF SYMBOLS

CH - NSF CHARGE
IC - INSTANT CASH
LC - LISTED CHECKS
ME - MISC. ENTRY
OC - OVERDRAFT CHARGE
OD - OVERDRAWN
RA - RESERVE ADJUSTMENT
OR CREDIT
RE - REVERSING ENTRY
RL - RESERVE LOAN
RP - RESERVE PAYMENT
SC - SERVICE CHARGE
TF - PRE AUTHORIZED
TRANSFER OF FUNDS
TX - SALES TAX

RAYCO EXCAVATING
770 BROOKLINE AVE.
ST. PAUL, MINN.

NUMBER

2

PAY
TO THE
ORDER OF

Loun & Count



May 14 1973 ⁷⁵⁻⁹³⁹ 960
\$ 6000⁰⁰

Six thousand & no/100

DOLLARS

N
W

NORTHWESTERN NATIONAL BANK

SOUTH SAINT PAUL, MINNESOTA

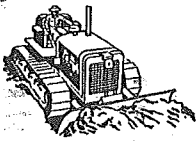
MAY 15 1973

SOUTH ST. P. IL, MINNESOTA

Raymond V. Matter

⑆0960⑆0939⑆ 03 39 899⑆

⑈0000600000⑈



RAYCO EXCAVATING

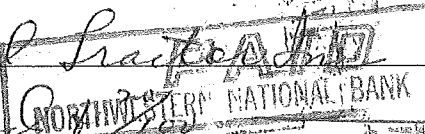
770 BROOKLINE 735-2266

ST. PAUL, MINNESOTA 55119

108

PAY
TO THE
ORDER OF

A & M Industrial Trailer



May 19 1973 ⁷⁵⁻⁹³⁹ 960
\$ 2800⁰⁰

Twenty Eight Hundred

DOLLAR

N
W

NORTHWESTERN NATIONAL BANK

SOUTH SAINT PAUL, MINNESOTA

MAY 22 1973

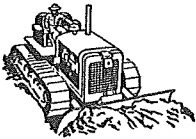
SOUTH ST. PAUL MINNESOTA

for Dynaweld trailer

DBT 17145

⑆0960⑆0939⑆ 03 39 899⑆

⑈0000280000⑈



RAYCO EXCAVATING

770 BROOKLINE 735-2266

ST. PAUL, MINNESOTA 55119

109

PAY
TO THE
ORDER OF

Concord Independent



May 19 1973 ⁷⁵⁻⁹³⁹ 960
\$ 25²⁵/₁₀₀

Twenty Five & 25/100

DOLLAR

N
W

NORTHWESTERN NATIONAL BANK

SOUTH SAINT PAUL, MINNESOTA

MAY 22 1973

SOUTH ST. PAUL MINNESOTA

Raymond V. Matter

⑆0960⑆0939⑆ 03 39 899⑆

⑈0000002525⑈

ACORD™ CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 11/19/2009
PRODUCER 651-451-1758 651-455-3923 SHERMAN INSURANCE AGENCY, INC 120 BRIDGEPOINT WAY, SUITE C SOUTH ST PAUL, MN 55075-2498		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED 651-735-2266 Rayco Excavating, Inc. 770 Brookline Ave. St. Paul, MN 55119		
INSURERS AFFORDING COVERAGE		NAIC #
INSURER A: General Casualty Company		
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY	CCX0409877	05/14/2009	05/14/2010	EACH OCCURRENCE	\$ 1,000,000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 2,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:					
		<input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					
A		AUTOMOBILE LIABILITY	CBA0409877	05/14/2009	05/14/2010	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
		<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
		<input checked="" type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$
		<input checked="" type="checkbox"/> HIRED AUTOS				PROPERTY DAMAGE (Per accident)	\$
		<input checked="" type="checkbox"/> NON-OWNED AUTOS					
		Owned Private Pass. Autos Owned Autos O/T Priv Pass.					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
		<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
A		EXCESS/UMBRELLA LIABILITY	CCU0646512	07/17/2009	05/14/2010	EACH OCCURRENCE	\$ 1,000,000
		<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$ 1,000,000
							\$
							\$
							\$
							\$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	CWC0409877	05/14/2009	05/14/2010	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y				E.L. EACH ACCIDENT	\$ 500,000
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	\$ 500,000
		OTHER				E.L. DISEASE - POLICY LIMIT	\$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

City of Saint Paul attn: Paul Dubruiel
 1400 City Hall Annex
 25 West Fourth Street
 St. Paul, MN 55102
 651-228-3220

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Diana K. Oster

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Raymond Vincent Matter, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Raymond Vincent Matter
NAME

770 Brookline Ave.
St. Paul, MN 55119

ADDRESS

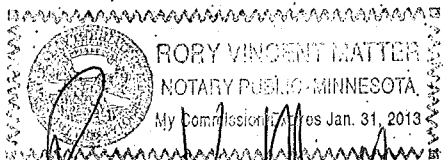
651-735-2266 612-619-0415

TELEPHONE NUMBER



Subscribed and sworn to before me this

2ND day of November, 2009.



NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 11-19-09

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: 11-24-09

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 17

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 12

PARCELS REQUIRED: _____

PARCELS SIGNED: 16

PARCELS SIGNED: _____

CHECKED BY: Paul Dubruie L

DATE: 11-24-09

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Raymond V. Matter
(name of applicant)

to establish a @ excavating company and garage addition
(proposed use)

located at 770 Brookline Ave., St. Paul, Minnesota 551199
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
14-28-22-12-0070	City of St. Paul - OFS RE	[Signature]	10/21/09
14-28-22-13-0099	City of St. Paul - OFS RE	[Signature]	10/21/09
14-28-22-13-0042	Ralph A. Moore ESTATE	Hazel S Moore	10-21-09
14-28-22-12-0069	Claire Anne Thoen-Levin	Claire Anne Thoen-Levin	10-21-09
14-28-22-12-0042	Gregory + Pamela WARR	[Signature]	10-21-09
14-28-22-12-0024	Michael Madigan	[Signature]	10/21/09
14-28-22-12-0018	Elizabeth Kameli	[Signature]	10/21/09
14-28-22-12-0014	[Signature]	[Signature]	10/21/09
14-28-22-13-0089	[Signature]	BORDAN	10/30/09
	[Signature]		10-30-09
14-28-22-12-0067	SCOTT ACKERMAN 808 W' SCOTT	ACKERMAN	
14-28-22-12-0056	Karl Lieder	[Signature]	11/02/2009

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.



770 Brookline Street



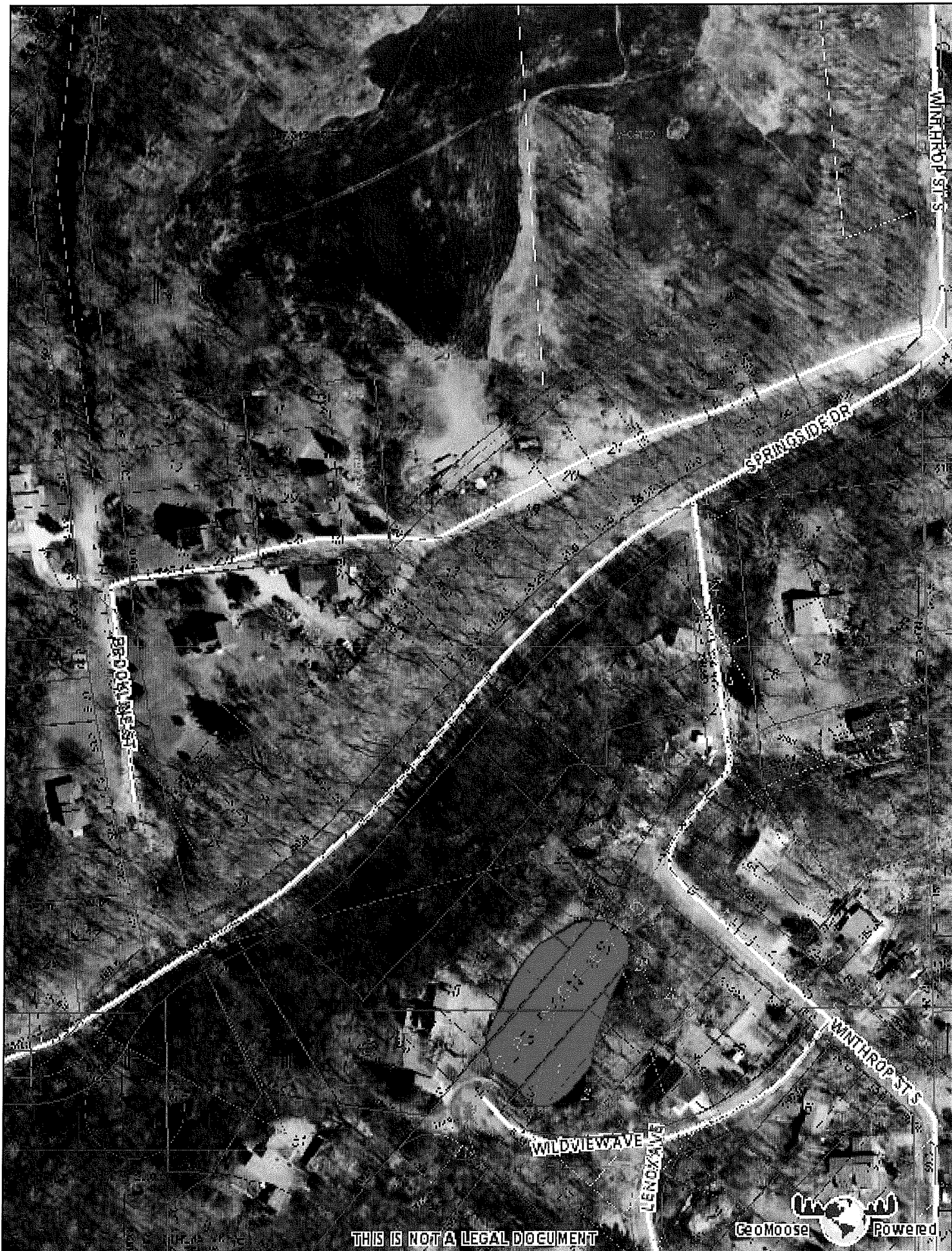
770 Brookline Street



770 Brookline Street



Adjacent property, looking west on Brookline



Sarah Zorn - Re Nonconforming Use Permit for 770 Brookline Avenue

From: ""
To: , "Kathy Lantry"
Date: 12/2/2009 12:44 PM
Subject: Re Nonconforming Use Permit for 770 Brookline Avenue
CC: "district1council"

As a resident of Highwood, I would like to comment on the application for a nonconforming use permit for 770 Brookline. The owner wishes to operate an excavation business based out of his home, which is not permitted by ordinance in the Highwood neighborhood and Mississippi River Corridor.

Highwood has many residents who operate small businesses out of their homes, some unobtrusively, others in a way that heavily impact the neighborhood.

With considerable effort and deliberation, the city and the neighborhood have established a "Highwood Plan" to address issues regarding what will and will not be permitted in order to keep the area environmentally healthy. Families who live here want a nurturing environment in which to raise children, care for the elderly among us and enjoy a sense of peace and refuge from the sounds, smells and dust of industry. That is the primary reason for zoning ordinances in a world in which pollution of all kinds surrounds us to a greater or lesser degree depending on location.

There exists in St. Paul a friendly regard for entrepreneurs. We want people to be able to make a living. We often bend over backwards to tolerate things we find objectionable.

On the street on which I live, residents

- run car repair businesses out of their garages and on their driveways;

- have established what seems to be a salvage area for wrecked cars, tires and miscellaneous junk that fills several contiguous lots which the city has repeatedly inspected (and dealt with by requiring the owners to build makeshift fences that partially disguise the mess);

- use their driveways and yards to park major construction equipment owned by employers;

- store used tires visible from the street.

It is difficult and expensive to enforce ordinances. But the well-being of a neighborhood ultimately depends on having some standards. We need to guard against neighborhood degradation, even---perhaps especially---in difficult economic times.

Thanks you for this opinion-gathering forum.

Jean Wulterkens
413 Totem Road
St. Paul, MN 55119

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: #03-271666
DATE: April 14, 2003**

WHEREAS, Raymond V. Matter has applied for a variance from the strict application of the provisions of Section 62.106 of the Saint Paul Legislative Code pertaining to the maximum allowable of size of an accessory building in the R-1 zoning district at 770 Brookline Street; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 14, 2003 pursuant to said application in accordance with the requirements of Section 64.203 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. *The property in question cannot be put to a reasonable use under the strict provisions of the code.*

This is a very large parcel of land that has remained undeveloped, except for the applicant's house, due to the bluff that runs through the middle of the property. The applicant states that since he has retired from the excavating business he would like to have room to store his motor home and classic cars. The existing garage is almost 100 years old and needs to be replaced. This is a large parcel and can accommodate the proposed garage without overcrowding the site. This 3.5 acre site is more like a rural parcel than an urban lot and the proposed 30 by 50-foot accessory building is a reasonable use for the site.

2. *The plight of the land owner is due to circumstances unique to this property, and these circumstances were not created by the land owner.*

The ordinances regulating accessory structures were designed to address the typical urban lot and are really not germane to this atypical parcel.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

The applicant states that he is currently paying to store his motor home elsewhere and would like to be able to keep it on his own land. He also has cars that are currently parked and stored outside on his property. The proposed garage will allow him to clean up his yard and store all of his vehicles inside. The requested variance is in keeping with the spirit and intent of the code and will not adversely affect surrounding property owners.

File #03-271666

Resolution

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

The proposed garage will be a long way away from the nearest neighbor and will not affect the supply of light or air to adjacent properties.

The applicant has submitted statements from both neighboring property owners stating that they have no objections to the proposed garage. This is a very remote site and the proposed garage will not be visible from the street or from any adjacent properties except the two that have stated they have no objections.

5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

When staff visited this site, there were several commercial vehicles and other equipment parked and stored on the property. The applicant stated that he has sold his excavating business to his son and that all of the commercial vehicles and equipment will be removed from the property. Provided that the proposed garage is not used for storing commercial vehicles or equipment or for any business purposes, the requested variance will not change or alter the zoning classification of the property.

6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 62.106 are hereby waived to allow a maximum size of 1,500 square feet of accessory building, ***subject to the condition that the garage is not to be used for the storage of commercial vehicles or equipment or for any other business purposes;*** on property located at 770 Brookline Street and legally described as Burlington Heights, Division No. 1, Ramsey County, Minnesota Vac Sts & Alleys Accruing & Fol; Lots 17 Thru 22 Blk 4 Also Former Lots 16 Thru 19 & 22 Thru 27 Blk 5 Of Burl. Hts Div No 1 As Vac. Now Being Part Of Nw 1/4 Of Ne 1/4 Of Sec 14 T 28 R 22 Also In; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST. PAUL, MINNESOTA, APRIL 14, 2003

PRESENT: Mmes. Maddox, Morton, and Swindeman; Messrs. Courtney, Duckstad, Faricy, and Wilson of the Board of Zoning Appeals; Mr. Hardwick and Ms. Crippen of the Office of License, Inspections, and Environmental Protection.

ABSENT: Gregory Kleindl,* Peter Warner
*Excused

The meeting was chaired by Joyce Maddox, Chair.

Raymond V. Matter (#03-271666) 770 Brookline Street: A variance of the maximum allowable size for a detached garage. A size of 1,000 sq. ft. is allowed and a size of 1,500 sq. ft. is proposed, for a variance of 500 sq. ft.

Mr. Hardwick showed slides of the site and reviewed the staff report with a recommendation for approval, subject to the condition that the garage is not to be used for the storage of commercial vehicles or equipment or for any other business purposes.

Two letters were received supporting the variance request.

One letter was received from District 1 supporting the variance request.

The applicant RAYMOND V. MATTER, 770 Brookline Street, was present. Mr. Matter stated that it is necessary for him to keep some kind of equipment on the site in order to plow the 600 foot driveway and the street in front.

There was no opposition present at the hearing.

Hearing no further testimony, Ms. Maddox closed the public portion of the meeting.

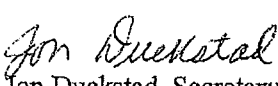
Ms. Morton moved to approve the variance and resolution based on findings 1 through 6, subject to the condition that the garage is not to be used for the storage of commercial vehicles or equipment or for any other business purposes.

Mr. Courtney seconded the motion, which passed on a roll call vote of 7-0.

Submitted by:


John Hardwick

Approved by:


Jon Duckstad, Secretary

City of Saint Paul

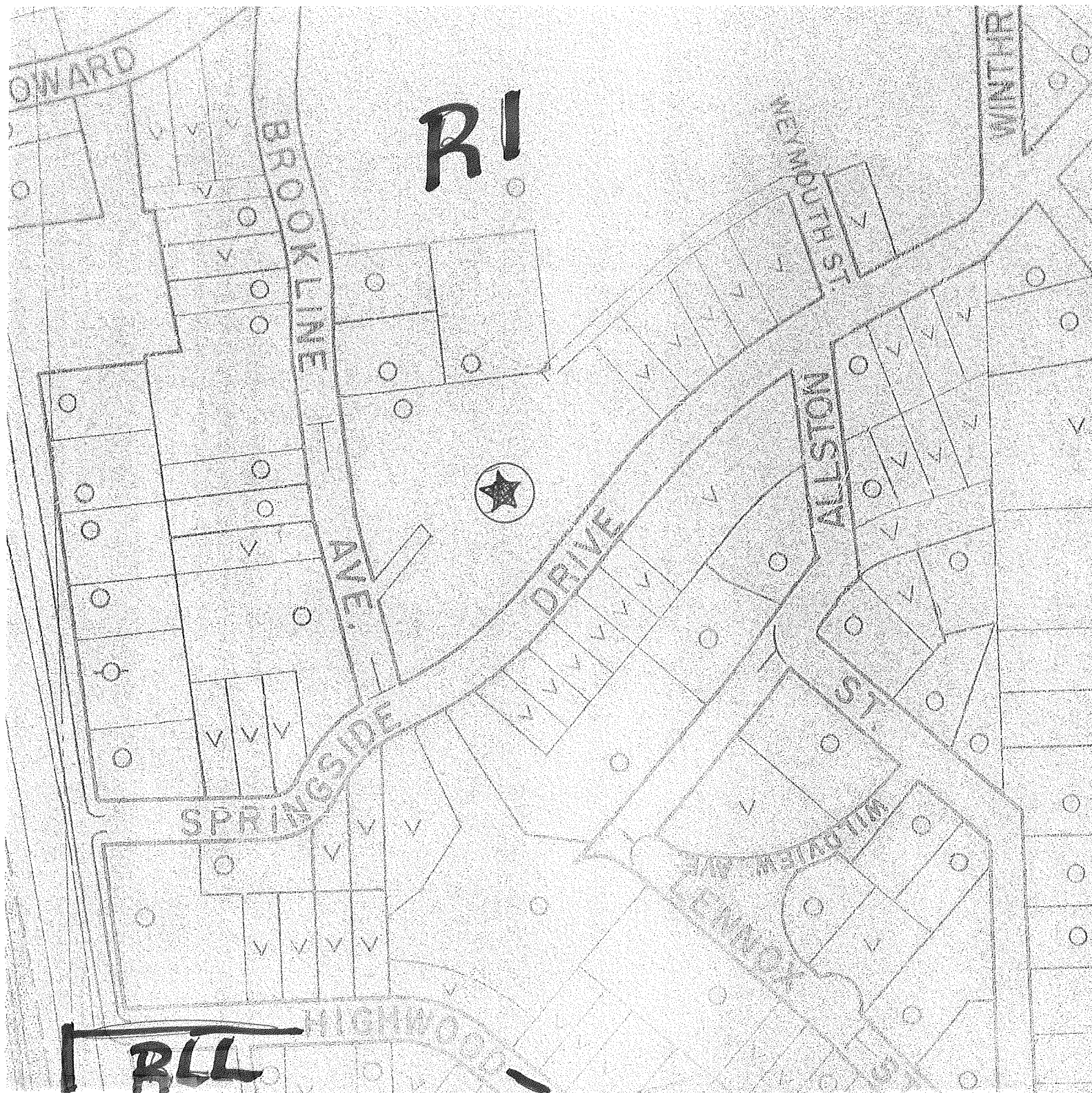
This letter is to ask for a variance to build a 30' X 50' garage to replace an existing garage that was built with the house in the year of 1895. The neighbors have agreed that it will not create any hardship for them and they are at ease with the plans. I have a motor home that I have been paying storage for that I would like to be able to put in this and I have some antique vehicles that I would like to have inside.

The property site is quite large but doesn't qualify for housing because of the bluff line set back. The existing garage is in very bad shape and needs to be replaced. There will probably never be any more houses in this area because all of the adjacent land is either open space or parkland.

Raymond V Matter
770 Brookline Ave.
St Paul MN
651-735-2266 -

ATTN:

John Harwick



APPLICANT Ray Matter
 PURPOSE EST. NCUP
 FILE # 09-328553 DATE 11-24-09
 PLNG. DIST 1 MAP # 40
 SCALE 1" = 400'



LEGEND

zoning district boundary

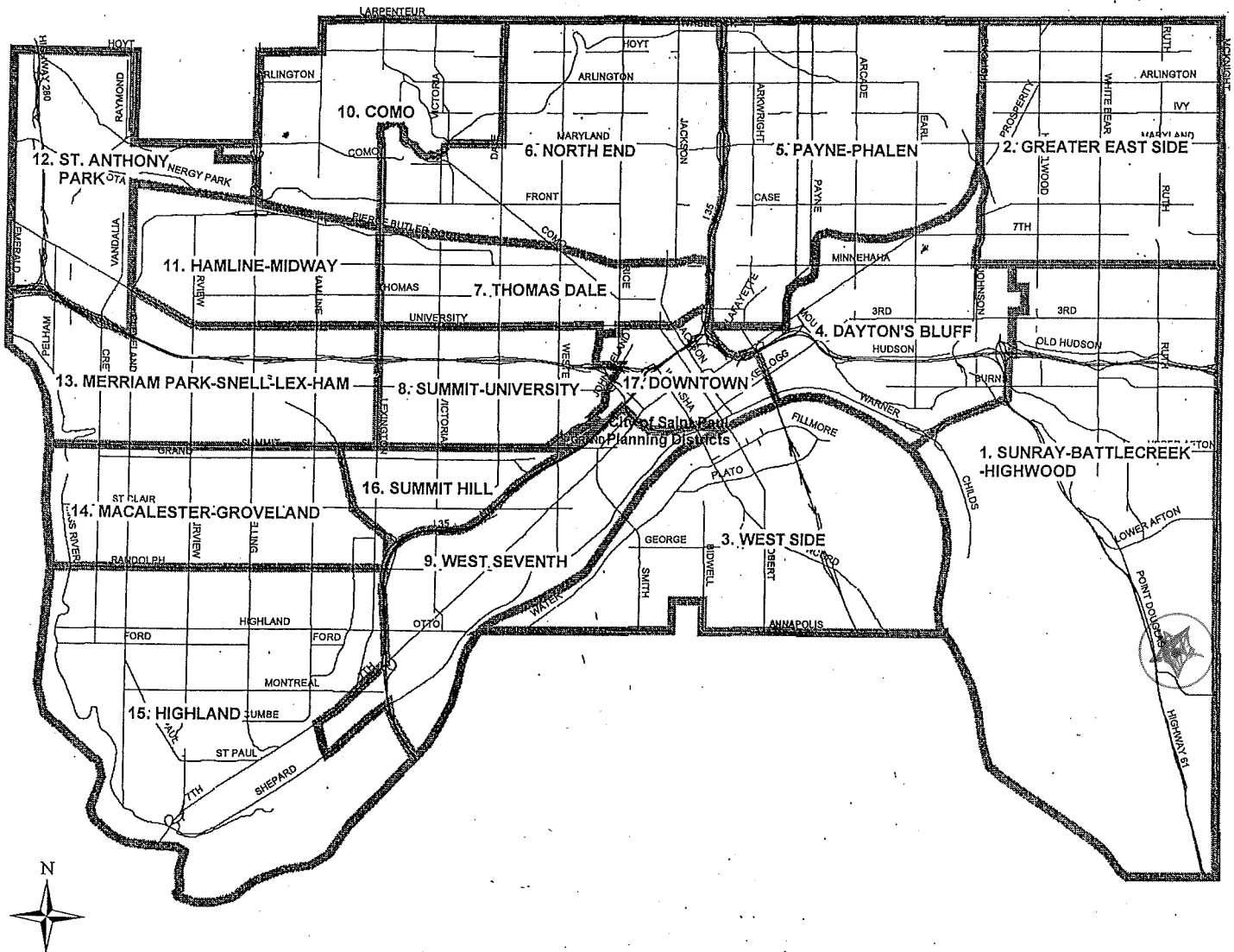
subject property

- one family
- two family
- multiple family

- commercial
- industrial
- vacant



CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK. - LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-328553

Chapter 60. Zoning Code – General Provisions and definitions

ARTICLE II 60.200 GENERAL DEFINITIONS

Sec. 60.203. B.

Building height. The vertical distance measured from the established grade to the highest point of the roof surface for flat and shed roofs; to the break line of mansard and gambrel roofs; and to the average height between eaves and ridge for gable and hip roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. The existing grade of the property shall may not be raised around a new building or foundation in order to comply with the height requirements of this code. When there is a dormer ~~built~~ build into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) roof width exceeds fifty (50) percent or more of the building roof width on the side where the dormer(s) is located any side of the building.

[Clarifying language for measuring dormers]

Sec. 60.205. D.

Dwelling unit. One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility (stove, refrigerator, and sink), sleeping area, and bathroom provided within the unit for the exclusive use of a single household

[This further defines a dwelling unit, eliminating the potential to rent a bedroom with a refrigerator and microwave as a unit.]

Sec. 60.213. L.

Lot, flag. A lot with street access provided to the bulk of the lot by means of a corridor of lesser width.

Lot width. The horizontal distance between the side lot lines, measured at the ~~two (2) points where the building line or required front setback line intersects the side lot lines.~~ For flag lots or pie-shaped lots, the lot width shall be the horizontal distance between the side lot lines, measured at the proposed front building line. Regardless of lot shape, the minimum lot width shall be met for the entire length of the principal building.

[A policy was established by the zoning and planning administrators in determining lot width at the front building line for flag lots and pie-shaped lots, as opposed to the typical rectangular-shaped lots where the lot width is determined at the front setback line.]

Sec. 60.220. S.

~~Superintendent of parks.~~ The superintendent of parks of the City of Saint Paul.

[The correct title is no longer "superintendent." The correct title, "director of parks and recreation" does not need a definition.]

Street, improved. A public dedicated right-of-way, other than an alley, that is maintained by the city for the purpose of providing access to abutting property.

ARTICLE III 60.300 ZONING DISTRICTS AND MAPS GENERALLY

Sec. 60.306. Zoning lot, more than one zoning designation.

A use may be developed on a zoning lot that has two (2) or more zoning district designations so long as the use is permitted in each of the zoning districts. The minimum zoning requirements of each district shall apply to that part of the zoning lot in each zoning district. Parking for the use may be allowed anywhere on the lot as otherwise permitted regulated by the code in for each any of the zoning districts.

[The Planning Administrator wrote an interpretation in 1991 that for multi-zoned properties, parking could be located in the more restrictive zoned section of the lot when the use is allowed in both zoning districts. Since it does not happen very often, it seems more appropriate to put language in this section rather than the parking section.]

Chapter 61. Zoning Code – Administration and Enforcement

ARTICLE I 61.100 GENERAL PROVISIONS

Sec. 61.101. Building permits.

No building permit, or grading permit shall be issued for the construction, erection, alteration, moving, demolition or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this code. No renewal of an expired building permit or grading permit shall be issued for a use or structure made nonconforming by amendments to this code.

[To clarify that demolition also requires compliance with the zoning code. Of specific concern is assuring that the site of demolished buildings cannot be changed into parking lots or storage lots without zoning approval. See also the change to 61.402(a).]

The holder of every building or grading permit for the construction, erection, alteration, moving or demolition of any building, structure or part thereof shall notify the zoning administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

[Moved from 61.103 for clarity. Provides consistent language.]

Sec. 61.103. ~~Final inspection.~~ Reserved

~~The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the zoning administrator immediately upon the completion of the work authorized by such permit, for a final inspection.~~

[Moved to 61.101 for clarity.]

Sec. 61.104. Permits issued, documents to be recorded.

Upon approval of a site plan, permit, variance, or other zoning approval by the zoning or planning administrator, planning commission, board of zoning appeals or city council, the applicant shall be issued a permit, or a letter of approval in the case of a site plan, upon which all conditions or limitations imposed shall be recorded. A certified copy of every conditional use permit ~~modification granted by the planning commission or~~ and subdivision variance granted shall be filed with the county recorder or registrar of titles but shall not constitute an encumbrance on real property. All permits, ~~modifications and subdivision~~ variances shall include the legal description of the property involved.

[The language regarding “permit modification” is confusing. Conditional use permits need to be filed with the county recorder or registrar of titles whether or not one of the conditions has been modified. While the planning commission used to consider “modifications” of river corridor standards, these kinds of cases are now considered variances. There is no reference to “modification” in the relevant Minnesota statutes. Therefore, this language is not needed. Minnesota Statute 462.36 does not require filing certified copies of all variance resolutions with the county recorder, only variances pertaining to subdivision regulations.]

Sec. 61.105. Period of decision.

No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year. If the use approved is no longer permitted because this code has been amended, the use must meet the requirements of Sec. 61.803.

[A zoning approval is good for 2 years per Sec. 61.105, but if the code has been changed within those 2 years and the approved use is no longer allowed, construction may not begin unless it meets the requirements of Sec. 61.803. Sec. 61.105 should include the exception so it is clear that Sec. 61.803 has precedence. This question came up when the Big Top Liquor site plan was approved but the Central Corridor interim ordinance was adopted before construction began that did not allow the proposed one-story building.]

Sec. 61.106. Similar use determination

When a specific use is not listed in the zoning code, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated herein. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If the zoning administrator finds that the use is not sufficiently similar to any other use specifically listed and regulated in the zoning code, any person proposing such use may file an application for the planning commission to determine if a use is or is not similar to other uses permitted in each district. The zoning administrator or planning commission shall make the following findings in determining one (1) use is similar to another:

- (a) That the use is similar in character to one (1) or more of the principal uses permitted.
- (b) That the traffic generated ~~on~~ by such use is similar to one (1) or more of the principal uses permitted.
- (c) That the use is not first permitted in a less restrictive zoning district.
- (d) That the use is consistent with the comprehensive plan.

Sec. 61.108. Conditions violated, permit revocation.

The zoning administrator shall notify the planning commission or the board of zoning appeals when a development covered by a site plan, permit, variance, determination of similar use or other zoning approval, permit or other matter is not in compliance with any of the conditions imposed upon such use approval permit. The commission or the board may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303(c), and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission or the board, in lieu of revoking the permission, may

impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission to be unnecessary, unreasonable or impossible of compliance.

[The change proposed would explain that anything approved but not in compliance with the use or conditions imposed can be sent back to the body who approved it for review and consideration of revocation. This includes similar language to when conditions can be added under Sec. 61.107.]

ARTICLE IV 61.200 DECISION MAKING BODIES AND OFFICIALS

Sec. 61.201. Zoning administrator.

(a) The ~~director building official~~ of the department of safety and inspections shall designate a zoning administrator to enforce this code ~~and is hereby designated the zoning administrator.~~

[Due to budgetary constraints, DSI has laid off the person with the job title of Building Official. The City still has a building official, as required by state law, but that position does not have the same supervisory authority that the former job title had. This ordinance change is necessary to reflect the way that DSI is now structured]

ARTICLE IV 61.300 GENERAL APPLICATION AND REVIEW PROCEDURES

Sec. 61.302. Application forms and fees.

(a) *Application forms and fee.* All applications shall be filed on appropriate forms. Pursuant to Minn. Stat. § 462.353, subd. 4, a fee to defray the costs incurred in administering official zoning controls established pursuant to Minn. Stat. § 462.351-364, as set forth in the schedule below, shall be paid by the applicant when a zoning application is filed. The fee for applications filed with the planning administrator shall be paid to the department of planning and economic development. The fee for applications filed with the zoning administrator shall be paid to the department of safety and inspections. Zoning control application fees shall be amended by ordinance.

(b) *Fee schedule.* Fees for the following zoning control applications shall be as follows:

(1) *Site plan review:*

- a. One hundred ten dollars (\$110.00) residential, one (1) to four (4) dwelling units.
- b. Four hundred thirty-five dollars (\$435.00) up to twenty-five thousand (25,000) square feet of land and eighty-five dollars (\$85.00) for each additional twenty-five thousand (25,000) square feet of land for all other uses.

(2) *Conditional use permit:* Seven hundred fifty dollars (\$750.00) up to one (1) acre of land, two hundred dollars (\$200.00) for each additional acre of land, and an additional fee of one hundred eighty (\$180.00) for a river corridor conditional use permit.

(3) *Major variance:*

- a. Four hundred thirty-five dollars (\$435.00) one- and two-family residential.
- b. Four hundred seventy dollars (\$470.00) multiple-family residential.
- c. Six hundred eighty dollars (\$680.00) commercial, industrial, institutional.
- (4) *Minor variance*: Three hundred fifty dollars (\$350.00).
- (5) *Sign variance*: Four hundred thirty-five dollars (\$435.00).
- (6) *Nonconforming use permit, determination of similar use*: Six hundred fifty dollars (\$650.00).
- (7) *Appeals*: Four hundred thirty-five dollars (\$435.00) for appeals from administrative decisions to the board of zoning appeals or planning commission and from decisions of the board of zoning appeals or planning commission to the city council.
- (8) *Rezoning*: One thousand dollars (\$1,000.00) up to one (1) acre of land, two hundred fifty dollars (\$250.00) for each additional acre of land, and an additional fee of two hundred fifty dollars (\$250.00) for rezoning to PD Planned Development District or TN3(M) Traditional Neighborhood District with a master plan.
- (9) *Reduced fees for multiple approvals*: For any permit or variance application in subparagraph (2) through (7) above submitted for consideration by the planning commission at the same public hearing as a rezoning, or a permit or variance application in subparagraph (2) through (7) with a higher fee, an additional fee of two hundred fifty (\$250.00) shall be added to the rezoning fee set forth in subparagraph (8) or to the higher fee in subparagraph (2) through (7).
- (10) *Subdivision review*:
 - a. One hundred forty dollars (\$140.00) lot split.
 - b. Five hundred dollars (\$500.00) up to one (1) acre of land, and one hundred twenty-five dollars (\$125.00) for each additional acre of land, sans dedicated public streets and open space, for preliminary plat/registered land survey.
 - c. Two hundred dollars (\$200.00) final plat/registered land survey.
 - d. Four hundred thirty-five dollars (\$435.00) for variance of subdivision regulations to be considered by the city council.
- (11) *Shared parking permit*: Three hundred fifty dollars (\$350.00).
- (12) *Zoning compliance letter, research*:
 - a. Fifty dollars (\$50.00) one- and two-family residential.
 - b. Eighty dollars (\$80.00) all other uses.
- (13) *Wetland Conservation Act administrative determination*:
 - a. One hundred dollars (\$100.00) Wetland Conservation Act compliance letter.
 - b. Two hundred fifty dollars (\$250.00) coordination of wetland fill and replacement request.
- (14) *Zoning petition*: Two dollars (\$2.00) each parcel for ownership list.

(15) *Late fee:* For any application made for any development commenced without first obtaining all required permits and approvals, the fees listed above shall be doubled, to a maximum additional fee of four hundred thirty dollars (\$430.00), to offset costs associated with investigating, processing and reviewing applications for such development.

(16) *Refunds:* For a zoning case withdrawn before final approval, the zoning or planning administrator may refund part of the fee based upon the proportion of the work completed at the time of withdrawal.

(17) *Reserved. Large Sites:* For large sites where only a portion of the site is affected by the zoning action, the zoning or planning administrator may set the fee based on the size of the affected portion of the site.

(18) *SFV state fair vending permit:* Annual fee of one hundred dollars (\$100.00) per parcel on which vending will occur.

[Text was inadvertently omitted when fees were revised a few years ago.]

ARTICLE IV 61.400 SITE PLAN REVIEW

Sec. 61.402. Site plan review (all districts).

(a) *Plan to be submitted.* A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building gross floor area for any development except one- and two-family dwellings, ~~but~~ and including the following:

(16) Demolition for of any principal residential or commercial structure when where the new use of the site will be is to be used for parking or storage.

[Although a parking lot or a storage lot already requires site plan approval, the additional paragraph will bolster the requirement when structures are being demolished and to show sod, seeding and erosion control.]

(b) *Site plan application:*

(3) Application for site plan approval shall include ~~nine (9) sets of plans~~ with sufficient detail to demonstrate that the plan complies with the provisions of this code, including floor plans necessary to determine compliance with parking and safety standards.

[The number of site plans required does not need to be in the zoning code as sometimes more copies are needed if the plan impacts areas that require review by additional departments or agencies.]

(c) *Site plan review and approval.* In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

- (11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas." "Ramsey Erosion and Sediment Control Handbook."

[The "Ramsey Erosion and Sediment Control Handbook" has been replaced by the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."]

(e) *Security agreement.* ~~Before the site plan is approved, the applicant shall. The zoning administrator may require the applicant to file a security agreement with in the form of an irrevocable letter of credit, a performance bond, or cash escrow equal to the estimated cost, as determined by the zoning administrator, to install required landscaping, paving, screening, erosion and sediment control or items required by special condition. Such security agreement performance bond shall be secured and filed with the zoning administrator within three (3) months from the date the applicant was notified of the intent to approve the site plan, unless the zoning administrator, upon written request of the applicant, may grants an extension not to exceed one (1) year.~~

Upon completion of the ~~bonded~~ work items covered by the security agreement, the owner shall apply to the zoning administrator for final inspection. If the zoning administrator finds that all installations meet the requirements of approved plans and specifications, the security agreement shall be released. However, a security agreement for landscaping shall be effective and held for one (1) year after completion of the work in order to ensure that such landscaping will survive.

If improvements covered by the security agreement are not completed as proposed within the established time limit, the city may proceed to require performance by the surety, or complete such installation by contract or force account and seek reimbursement of its costs from the security agreement. ~~The zoning administrator shall have the right to accept a cash escrow or irrevocable letter of credit in lieu of a bond in an amount and under such circumstances as the zoning administrator shall determine appropriate. If seasonal weather conditions or phasing of construction present practical difficulties in the installation or completion of landscaping, paving, screening or any required item, written extension of the time limit for completion, may be delayed for not to exceed more than six (6) months, may be granted by the zoning administrator. The extension of time shall be granted in writing.~~

[It is impractical, and has not been the practice, to require a performance bond for all site plans, particularly now that all single family home constructions require site plan review]

ARTICLE VI 61.600 VARIANCES

Sec. 61.601. Variances.

The board of zoning appeals shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) The property in question cannot be put to a reasonable use under the strict provisions of the code;
- (b) The plight of the landowner is due to circumstances unique to the property, and these circumstances were not created by the landowner;
- (c) The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the city;
- (d) The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;
- (e) The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property; and
- (f) The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.

In granting a variance, the board shall ~~state the~~ provide written grounds upon which it justifies the granting of a variance. Hardship as described in the finding set out in subsection (a) above shall include the need for access to direct sunlight for solar energy systems

ARTICLE VII 61.700 APPEALS

Sec. 61.701. Administrative appeals.

(a) The board of zoning appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator in carrying out or enforcing any provision of the is code.

~~(b) The board of zoning appeals shall have the power to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the state building code.~~

[Appeals of the Building Official are now heard before an administrative hearing officer of the City Council.]

(e) ~~(b)~~ The grant or denial of approval by the planning or zoning administrator of site plans, permits, similar use determinations or other matters that the planning commission has, by rule, delegated to the planning or zoning administrator is subject to appeal to the planning commission.

[This is a new function of the zoning administrator.]

~~(d) (c)~~ An appeal may be taken by any person, firm or corporation, or by any office, department, board or bureau affected by a decision of the planning or zoning administrator ~~or building official~~ within ten (10) days after the date of the decision. ~~appealed from shall have been served either in person or by mail upon the owner of the property which is the subject matter of the decision, and.~~ The appeal shall specify the grounds of the appeal. The planning or zoning administrator shall forthwith transmit to the board or commission all of the papers constituting the record upon which the action appealed from was taken. An administrative appeal shall stay all proceedings, including criminal proceedings, in furtherance of the action appealed from unless the zoning administrator ~~or building official~~ certifies to the board or commission, after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction.

[The language regarding the time frame for appeals differs between an administrative appeal and appeals to the city council. To avoid confusion, we suggest they be the same.]

Sec. 61.702. Appeals to city council.

(a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission. An appeal may be taken to the city council by any person, firm or corporation or by any office, department, board or bureau affected by a decision of the board of zoning appeals or planning commission. Such appeal shall be taken within ten (10) days after the date of the decision appealed from and shall specify the grounds for the appeal. Appeals of decisions by the board of zoning appeals shall be filed with the ~~department of safety and inspections zoning administrator;~~ appeals of decisions by the planning commission shall be filed with the ~~zoning section of the planning division.~~, except that Appeals of decisions by the planning commission on site plan review shall be filed with the department of safety and inspections zoning administrator. Appeals shall specify the grounds thereof and be accompanied by payment of the required fee.

[DSI currently tracks Site Plan review. Having appeals filed with DSI will enable better tracking.]

(b) The city council shall conduct a hearing on the appeal, shall give due notice of the hearing to all interested parties as required under section 61.303, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

Sec. 61.704. Orders.

In exercising the above powers, the city council, planning commission, or board of zoning appeals may reverse or affirm, wholly or partly, or may modify the orders, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. To that end, the board of zoning appeals shall have all the powers of the zoning administrator ~~and the building official~~, and the city council shall have all the powers of either the board of zoning appeals or the planning commission. All final decisions, orders, requirements or determinations by the board of zoning appeals, planning commission, and/or city council shall be in the form of a written resolution. The city council shall serve a copy of the resolution upon the appellant and/or the owner of the affected property, zoning administrator, planning commission and board of zoning appeals by mail or personal service. The board of zoning appeals or planning commission shall serve a copy of the resolution upon the appellant and/or owner of the affected property, the zoning administrator and the planning administrator. Decisions of the city council on all matters within its jurisdiction shall be final subject only to judicial review by a court of competent jurisdiction.

[Appeals of the Building Official have a separate process, not covered in the zoning code.]

ARTICLE VIII. 61.800. ZONING AMENDMENTS

Sec. 61.803. Amendment's effect on pending uses and structures.

Uses that were permitted to be established and structures that were permitted to be constructed before amendments to this zoning code but are no longer permitted by the amendments may be established or constructed, provided that they meet the following conditions:

(a) Uses and structures that need building permits to be established or constructed may be established or constructed, provided that before the effective date of the amendments:

(1) The uses or structures shall have received all required zoning permits from the planning commission or the board of zoning appeals, or if the zoning permits are appealed, the city council; and submitted applications satisfying the requirements of Sec. 61.301 and the applications shall have been accepted or deemed complete under the provisions of Minneosta Statutes Sec.15.99 and those applications shall have been subsequently approved, or

(2) The uses or structures have received all required zoning permits from the planning commission or the board of zoning appeals, or if the zoning permits are appealed, the city council; and (2) ~~Valid~~ building permit applications have been made or valid building

permits have been issued for the establishment of the uses or for the construction of the structures.

If the construction needed to establish the uses or the construction of the structures has not begun within six (6) months of the issuance of the building permits, the uses or structures may not thereafter be established or constructed. For the purpose of this section demolition preparatory to construction shall be considered construction.

(b) Uses not needing building permits must be established before the effective date of the amendments.

This section shall not apply to interim ordinances adopted in accordance with Minnesota Statutes, chapter 462.355, subdivision 4.